ISRAEL'S MISSION
IS PEACE

64

From the Library of
Vivian Taylor Arendall

The Ethics of Judaism

The Ethics of Judaism

BY

M. LAZARUS, PH. D.

TRANSLATED FROM THE GERMAN

BY

HENRIETTA SZOLD

IN FOUR PARTS

PART I

PHILADELPHIA
THE JEWISH PUBLICATION SOCIETY OF AMERICA
1900

COPYRIGHT, 1900
BY
THE JEWISH PUBLICATION SOCIETY OF AMERICA

The Lord Baltimore Press
THE FRIEDENWALD COMPANY
BALTIMORE, MD., U. S. A.

Dedicated

To the Memory of My Noble Friend

Wilhelm von Gutmann

The Jewish Publication Society of America, having secured the American and English rights to the *Ethik des Judenthums* by Professor M. Lazarus, is now enabled to render accessible to its members and to other English-speaking persons the first portion of this important book. It is hoped that succeeding volumes will follow at regular intervals, and that when completed it will serve to make clear the inner life of Judaism, as the History of Graetz portrayed the part which the Jews have played in the world.

Doctor Lazarus, now in his 76th year, for a long time Professor in the University of Berlin, has during half a century been making fruitful researches in various fields of science and Jewish learning. The work now presented in an English dress is his crowning service in the cause of Judaism.

PREFACE

This book has a history, but it is a history that will engage the interest of those only who have made the acquaintance of the book itself. Therefore I reserve it for the end of the second and last volume. There the reasons, purely internal, will appear why almost fifteen years elapsed between conceiving the plan to produce an "Ethics of Judaism" and its present realization. There, too, honest account shall be rendered of assistance sought and found by the author. Yet I cannot refrain from mentioning here a few at least of my friends and pupils who were good enough to give me their efficient aid especially while the book was passing through the press. Herewith I express my deep gratitude to Mr. Meyer Friedman, Reader at the

Beth ha-Midrash in Vienna; Professor M. Guggenheim, Ph. D., of Zurich; Mr. I. I. Kahan of Leipsic; Dr. Alfred Leicht, headmaster in Meissen; Dr. Tänzer of Hohenems, Rabbi of Tyrol and Vorarlberg; and Dr. Unger, Rabbi in Iglau.

Of the task and the method of the work, the first chapter gives a minute description. One fact, however, I should like to emphasize here. The reader may expect me, an ethno-psychologist, to institute comparisons with other modes of thought related racially and philosophically—a method that leads to apologetics as its result, and requires polemics as its aid.

All such temptations I put behind me with open eyes.

Even analogies with the ethical doctrine of other ancient peoples are adverted to only incidentally and cursorily.

Naught of apologetics!—A purely objective statement was aimed at, and it must

speak and act for itself. An exception was made only in the case of E. von Hartmann. His charge against every system of ethics based on theism is refuted from the point of view of Judaism.

As for polemics, nothing could have justified its introduction; "if thou wilt make an altar, thou shalt not wave thy sword over it; for if thou wavest thy sword over it, thou hast polluted it" (Exod. 20:25).

LAZARUS

Meran, Tyrol, September 15, 1898.

PART I

Foundation of Jewish Ethics

CONTENTS OF PART I

FOUNDATION OF JEWISH ETHICS

PAGE

CHAPTER I.—On the Sources of Jewish Ethics . 1

CHAPTER II.—The Principle of Jewish Ethics . 107

CHAPTER III.—The Character of Jewish Ethics . 189

APPENDIX 247

CHAPTER I

On the Sources of Jewish Ethics

§1. The Bible is the text-book of Jewish Ethics. Next rank the Rabbinical writings, that is, the Talmud, the Talmudic Midrashim, and the later Midrashim, and they, in turn, are followed by religious and philosophic works, which elaborate and continue the ethical thought of earlier times.

The literature of Jewish Ethics.

§2. The Bible in all its parts bears an ethical impress: the legal books contain explicit and definite laws for the regulation of man's conduct; the historical books present examples, attractive or repellent, as the case may be, of deeds good and just, generous and stimulating, or unjust and iniquitous; the Prophets are full of precepts and exhortations looking to the elevation and strengthening of character; and the

Biblical teaching by means of historical narratives, etc. Rabbinical discussion.

poetic, philosophic, and proverbial writings inculcate and extol virtue, adduce noble views and noble conduct as exemplars, and make their opposites appear despicable. In the same way the Rabbinical writings present direct teachings, examples, impressive admonitions, and instructive reflections. They expound, and so enrich and invest with deeper meaning, the moral import of Biblical deeds and words, thoughts and motives.

Manifold application of Biblical thoughts to life; their function as a guide.

§3. Biblical thoughts become more and more applicable as life varies its manifestations, as the relations of men become closer, and the forms and aims of society are differentiated. The words of the Bible are interpreted by and for the fulness of life. Thus, on the one side, the Biblical word, considered broadly as the word of God, is entrenched in its dignity, and extended in influence; and on the other side, life secures a guide, a shaping force, an impulse.

§4. Human activity, with its motives, ef-

forts, and aims, has its origin in the instincts, the material needs, and the intellectual demands, which fill and animate the soul of man. The purpose of ethics is to assign definite boundaries to all instincts clamoring for satisfaction, to establish order among contradictory demands, and harmonize the opposing claims that arise in social intercourse.

Origin of human activity in the instincts. Ethics establishes moderation, order, and peace among them.

§5. But ethics has a more important function than securing moderation, order, and peace among the instincts of man. It must produce new desires, higher and nobler than his original impulses; must create new needs in his soul, and provide for their satisfaction; must teach individuals and society motives, forms of activity, above all, methods of co-operation, and valid aims removed far beyond the gratification of elementary cravings. Upon the natural world as a foundation should be reared a second structure, a spiritual and ideal structure—the moral world.

An ideal, moral world results from the awakening of new and nobler desires.

Its foundation in the Bible and continuation in the Rabbinical writings. Free interpretation of the Bible, by the method of the thirty-two rules.

§6. The foundations of the moral world as conceived by the Jewish mind are laid in the Bible. The Rabbinical writings continue the upbuilding of the structure according to a peculiar method, gradually crystallizing into thirty-two rules. By this method a free, an almost unlimited application of Biblical expressions is made, in order to deduce from them, or read into them, original and progressive moral ideas.[1]

This method secures homogeneous and untrammeled development.

§7. Through this persistent and unrestrained application of the Bible word a marvelous spiritual phenomenon is produced.[2] By the interweaving of older thoughts with the intellectual work of the individual, amazing unity is brought about

[1] See Appendix No. 1, p. 247.

[2] This noteworthy circumstance has, to my knowledge, not received due attention and historical appreciation, despite the fact that the creative activity of other nations offers no parallel. (Suggestions of the same method in the Alexandrian school, and later among the Arabs, are probably of Jewish origin.) The importance of the phenomenon appears only when we turn from the intellectual work

in the expressions of the national spirit—a uniform, progressive development of traditional ideas, an interpenetration of moral doctrines, ethical convictions, and tendencies of conduct. The paradoxical assertion may be ventured, that the moral element in the national spirit is preserved as a homogeneous unit, yet with unrestricted liberty of development.

The differences between epoch and epoch, the peculiarity of historical conditions, the individuality of thinkers, vanish in the face of the prolific yet uniform development of the triumphant national spirit—a development that depends upon the evolution of fundamental thoughts, and draws

of the individual, its literary worth, and its place in the history of literature, to take note of the national spirit and its evolution. To consider a psychic product—for example, the development of a thought—as an isolated achievement, or in its relation to the history of literature, is very different from considering it as a contribution to the life and progress of what essentially constitutes a school, religion, state, or race.

its strength from the primary source of ideas.

The work of the individual a manifestation of the national spirit. Principles never assailed. Maimonides' truly Jewish personality.

§8. All work, it is true, is done by individuals. We have nothing beyond the dicta of definite (known or unknown) persons. Intellectual products are brought forth at certain times and under given conditions. Yet, throughout the domain of Jewish wisdom and intellect, the temporary, the accidental, the individual, has but small share [1] in the power and dignity of the pregnant development that obeys the deepest impulses of the national soul, and issues from its primordial manifestations. Individual contributions are products of the national spirit, to which the author merely gives tangible shape. Again, whatever is alive in the community finds expression in the words or works of individuals.

For, however thinkers and teachers may

[1] In this respect essentially different from the method and the form of intellectual development characteristic of other nations.

differ in character and mode of living, the air they breathe is the same, their life-blood flows from a common source, one heart-beat throbs in their pulses. None denies, or assails, or essentially modifies the fundamental thoughts, the opinions, the principles which close investigation discovers in Bible and Talmud. Maimonides, for example, developed into the original thinker he was by virtue of a union of Arabic and Greek with Hebraic culture. Yet only his less high-minded and less cultivated enemies could fail to discern that, striking as his personality was, it was a thoroughly Jewish personality.

In the life of a plant or other organism, it is immaterial whether a given mass of molecules or another similar mass undergoing metabolic changes effects its preservation and reproduction; that is, promotes its permanence under the law of evolution. So the individual and his prominence in his generation disappear before the impelling

force of national ideas and before the laws determining their development.[1]

This continuity makes possible a system of Jewish Ethics, despite lack of system in the sources.

§9. To this continuous activity of the Jewish mind in the domain of ethics is due the possibility of formulating a complete system of moral doctrines, although in the sources, the Bible and the Talmud, they appear only in isolated sayings and expressions, never in a systematic form.

Objective continuity, subjective presentation.

§10. Accordingly, a statement of the ethics of Judaism is equivalent to demonstrating the inner connection of all scattered moral sayings. In other words, the essential task is to show that a system is present in the manifold ethical activities of Judaism. The systematizer is to transform the great mass of scattered ethical expressions into a homogeneous unit. His sub-

[1] It must be remembered that, though the progress of thought tends towards ideal perfection, and at times more or less closely approximates it, yet it can never reach ideal perfection, because it is hampered, like all that is human, by the necessary admixture of individual elements and their natural limitations.

jective action must, however, be performed upon an objective basis—the basis afforded by the inherent continuity of all ethical requirements, manifestations, and ordinances. He must put himself entirely at the service of the homogeneous subject-matter, must identify himself with it. And the more searching the investigation of the ethical subject-matter as revealed in single concepts, the surer the attainment of a systematic, unified result. The continuity of the ethical cosmos need not be created. Actually existing, it need only be recognized and exhibited.

For this reason, the traditional sources alone are to be drawn upon, and the subject-matter so obtained is to be put into systematic form, according to logical order and sequence. In the earlier as well as the later stages of productive activity, this inherent system—the inner, unbroken connection of all ethical thoughts, constituting in the aggregate the moral theory of Juda-

ism—was tacitly accepted as a premise. In fact, it often attained to naïve expression in the view that upon a certain commandment under discussion "all others depended" (התלויות בה).

Tracing ethical thoughts to early sources a favorite theme in Talmudic writings. Examples.

§11. A favorite occupation of the Talmudists was to establish the continuity of moral doctrines; in other words, to derive late ethical thoughts from earlier sources and ultimately from the Bible itself. It must be admitted that the later meaning is often read into the older text only by means of an artificial method of interpretation. A fine example is offered by the injunction to exercise extreme care not to put nor permit others to put a fellow-man to the blush in public. There are touching instances of the self-denial of great men in shielding even unknown offenders against disgrace. A beautiful series of typical anecdotes and Bible interpretations dealing with this subject is traced from R. Meïr to Samuel the Little, from him to Hillel, then through

Shechaniah ben Jechiel (Ezra 10: 2) and Joshua back to Moses himself.[1]

Jewish ethics independent of non-Jewish models. From Maimonides to Fassel.

§12. To discover and formulate the system of Jewish ethics requires deep study of its genuine sources and of them alone. The work of systemization doubtless demands a mind disciplined by the study of philosophy and its history, but it will not do to draw the plan of Jewish ethics in imitation of foreign patterns. From Maimonides down to Fassel, in the present century, attempts have not been lacking to fuse the scattered doctrines of Jewish morality into a system modeled after alien philosophies as to form, statement of principles, and methods of deduction. Such a course cannot possibly lead to true recognition of the specific meaning, the peculiar nature, of the Jewish theory of the moral life. At bottom, Maimonides expounds the ethics of Aristotle, and Fassel the ethics of W. T. Krug, save that single

[1] *Sanhedrin* 11ª. See Appendix No. 2, p. 248.

ideas borrowed from the one or the other system are proved Jewish by means of Bible verses and Talmud passages.[1]

Specific character of the Jewish moral theory; even as presented by Maimonides.

§13. The Jewish intellect and its prominent exponents have again and again been enriched by a knowledge of the mental products of other nations. But precisely in the moral theory of life the peculiarity of the Jewish spirit asserts itself most clearly, and maintains its independence most vigorously. Maimonides misunderstood his task in pinning his faith to the scientific form and the principles of Aristotle, yet even he, in spite of foreign guidance and system, preserved the essence and independence of the Jewish view of life and the world.

The ideas must be Jewish, the form may be new.

§14. In a system of Jewish ethics, then, only such ideas may be presented as are of undoubted Jewish origin; that is to say, they must be drawn from living facts (see §2 and hereafter), or be expressed in traditional sayings.

[1] See Appendix No. 3, p. 248.

It must be remembered that the originators of such sayings neither spoke nor thought as we do. Literal translation into our language often fails to convey the author's conception. Not only his words must be put into our language, but his mode of thought must be transposed into ours.[1] Psychic forms of various kinds—a plastic image, a simile, an allegory—may hold equal contents; a concept may be expressed in direct or in figurative language. To secure thorough understanding of a traditional idea, the spiritual vesture best suited to bring it home to us must be selected.

Therefore, investigation of the true meaning of the subject-matter. The task of historical conscience rather than philological skill. Examples.

§15. The true purport of the sayings must first be elicited by impartial examination, and then stated as we conscientiously believe the authors would have stated them, had they been our contemporaries. Not the word, but its real inwardness, is the important consideration. The shackles of a

[1] See Appendix No. 4, p. 254.

strange mode of expression and thought must be loosed, and the essence of the idea newly presented in an intelligible form. Sometimes a peculiar and intentional brevity (affected by the Prophets and still more by the Rabbis); sometimes a fanciful, not to say fantastic, mode of expression conceals rather than reveals the idea. For us it is to bring about its revelation, which is facilitated by uninterrupted tradition and a progressive transformation in meaning.[1] The perfection with which the task is accomplished depends on historical conscience rather than philological skill. Again and again, especially in the statement of principles, we shall find ourselves face to face with the necessity of drawing inferences. For the present purpose a few illustrations will suffice. The saying, " The ark

[1] As, analogously, the identity of a word in a daughter language or in a later stage of a language is recognized in its various forms and changes by means of Grimm's law.

of the covenant bears its bearers; it is not the priests that bear the ark,"[1] doubtless means that the ethical life draws even the physical forces it needs from the fountain-head of the idea; the developments of the idea are in no wise produced by physical needs, forces, and gratifications. In other words, the ethical cannot and may not be derived from nature; the idea must refine nature, and use her in its own service.

Again, the thought expressed by Kant in these words: "If justice is subverted, man's existence on earth is of no value," was anticipated by the Rabbis in the allegorical form, that God would make chaos to reign again, if humanity did not take upon itself the responsibility of the Law (see part II, §230 *seq.*).

The phrase in Ecclesiastes (1:9), "there is no new thing under the sun," is commented upon by the Rabbis of the school

[1] *Shemoth Rabbah*, ch. 36. See Appendix No. 5, p. 254.

of Jannai in this wise: "not under the sun, but above it."[1] Without a doubt their meaning was that the material world, regulated by invariable laws, is unchanging; but the realm of morality, on a plane over and beyond that of nature, presents new phenomena. The natural world is completed by the originality of the moral order of existence. Later on (§118), we shall expatiate upon the full meaning of this thought, whose essence is the absolute negation of every purely naturalistic basis of ethics. At present, it is sufficient to discover the thought underlying the figurative language of the Rabbis. That it is the meaning intended is proved by the recurrence, in Rabbinical literature, of the view, in various guises, that the moral world is an independent complement of the natural world; as in the sentence: "He who does a moral deed, as, for instance, the judge who pronounces a righteous judgment thereby

[1] *Sabbath* 30b.

associates himself with God in the work of creation." [1]

Tradition a source of ethics; its moral element the force behind certain phenomena, such as,

§16. But a statement of the ethical system of Judaism must depend upon sources outside of the ethical doctrines explicitly formulated and transmitted as such. Döllinger's just characterization of the religious ideas of the Jews is equally applicable to their moral teachings and principles. "The Jewish people," says Döllinger, "moved in a circle of religious ideas part of which only were expressed in its sacred literature." [2] After referring to the existence of a body of oral traditions, he continues: "Far from being a lifeless deposit in the hands of a people living in spiritual stagnation, they were instinct with the power and the impulse to develop organi-

[1] *Mekhilta Yithro,* ch. 2, in connection with the classical passage in the Introduction to Jacob ben Asher's Code, *Tur Choshen Mishpat,* ch. 1, §1. See Appendix No. 6, p. 255.

[2] Döllinger, *Heidenthum und Judenthum, Vorhalle zur Geschichte des Christenthums,* p. 819 *seq.*

cally and steadily. Tradition, on the one hand, and the religious condition of the nation, its whole history, on the other hand, acted and re-acted vigorously upon each other . . ." In later times, too, when all tradition was piously cherished and cultivated in the academies, it was reduced to writing only occasionally and by chance, in the case of learned discussions or homiletic discourses. Universal truths especially were formulated only incidentally, by single individuals. Despite the fact that in the academies general principles (כללים) were prized above particular statements, those to whom we owe the preservation of the old traditions as a rule preferred the concrete, the living, the practical, and were disposed to neglect abstract deductions. Yet the moral element in the whole mass of traditions is distinctly recognizable. It reveals itself unmistakably as the active force behind certain historical phenomena. The most important of these phenomena was:

§17. The rise of a new form of idealism, induced by strengthening all laws (development of the Halachah), spreading their knowledge, and enforcing their execution.

Development of a new form of idealism through re-enforcement of the laws. A new mode of life in the Jewish community after the fall of the Jewish state. R. Jochanan ben Zakkai emphasizes three ethical springs of action: First, elevation of the spiritual life,

When the Jewish state and the political independence of the Jewish people had been overthrown, and the ruin of the Temple had put an end to the unity of the cult, which had been the most peculiar manifestation of the national spirit, a new life was awakened, a new mode of communal existence developed—new not alone for the Jewish race, but also for humanity at large. Such a change had not been known before, none like it has since taken place. Three aims were emphasized by the men who assumed spiritual leadership immediately after the destruction of the state and the Temple, especially by R. Jochanan ben Zakkai, his associates, and his successor. The first aim was, in general, the elevation of the spiritual life. Study, research, knowledge, wisdom, were extolled beyond every-

thing: "If thou art well versed in the Law, do not boast of it, for to that end thou wast created."[1] Learning replaced all other pursuits promoting civilization that were followed under the protection of the state. The best minds were attracted to it. Rarely serving practical utility among the Jews, it alone hallowed life, and satisfied its yearnings. Science was cherished as a common good, an ideal possession, the spiritual bond and incentive of communal life.[2]

by the founding of academies and the development of the homiletic discourse.

§18. From this time on the homiletic discourse (the remains of which were preserved in the Talmudic and in the later Midrashim), with its exposition of laws and its hortatory appeal to the hearts of the people, grew more and more frequent, spreading

[1] *Aboth* 2: 9.

[2] Among the Greeks, especially in the period of political decline, the cultivation of learning was left purely to individual devotion and taste; and in Rome science never entered into the program of the state. Cicero's attempt, in his oration *pro Archia*, to prove it a matter of public interest is the best evidence that it did not exist as such.

among the masses the spiritual food prepared in the academies. It is obvious that such lively mental activity, on whatever subject it exercised itself, inevitably tended to increase the sum of ethical convictions and bring about moral discipline in the community.

Secondly, charity, as an ideal element.

§19. The second aim was to lay stress upon the importance of benevolence and charity, the love men bear one another. In view of the lawlessness superinduced by the loss of independence and by the oppression exercised by the Roman rulers, the prosperity of communal life demanded larger benevolence, devotion, forbearance, and love than had been necessary in the free commonwealth. Charity was expressly designated the ideal element which was to compensate for the ruined Temple, for the unity of worship, as well as for the loss of political power. Jochanan ben Zakkai offered as a solace for the discontinuance of sacrifices following upon the destruction of

the place of sacrifice, the realization of the old Prophetical view proclaimed by Hosea in the words: "Love I demand, not sacrifice" (Hos. 6:6).[1]

Thirdly, the completion and authoritative establishment of law.

§20. The third aim urged at this time of providing Judaism with a new basis was the completion and establishment of law in general and the religious and ceremonial laws in particular. Simple evolution had to be supplemented by a more conscious process. In their furtherance of natural progress, schools and parties had gradually been betrayed into wrangling. Their disputes had to be adjusted, and all made to bow before a firmly established authority at one with itself.

Ethical bearing of the establishment of law.

§21. The significance, from an ethical point of view, of a symmetrical development and exact statement of the law in all its ramifications is obvious. Private and social life is so profoundly affected by the

[1] Comp. 1 Sam. 15:22 and see *Aboth de R. Nathan*, 4.

provisions of the law of property and contracts, of marriage and inheritance, the penal law and the law of procedure, with all their premises and consequences, that their authoritative definition is necessarily antecedent to the foundation of ethical conduct.

§22. The ethical importance of the ceremonial law will be discussed later on. Here it is necessary only to mention some of the elements that make the legal prescriptions of a religion a source of ethical instruction and training. In the first place, they interweave the whole of human life with commands and their fulfilment. Work and pleasure alike are regulated by injunctions. Kant eliminates every non-essential from the ethical concept of the good in the following expression: "There is no good in the world or outside of it except a good will." But a good will is a will in agreement with duty and law. This basis and value of the ethical are corroborated and realized by every form of law-abiding con-

The value of ceremonial laws: 1. They are a source of moral discipline. Agreement with law and duty.

duct. We shall see (in part II, ch. v) that the Rabbis consciously deduced the ethical value of obedience to law from this its formal significance, and made use of it as an ethical disciplinary measure.

2. They express the moral unity of the agent symbolically.

§23. The network of ceremonies interlacing life symbolizes another formal aspect of morality, higher than the last. Lotze justly insists, that "the first formal condition of all moral living is the personality of the human agent. He is to be a unit, not a bundle of various, disjointed sensibilities and instincts. For the sake of unity, the soul striving after the moral ideal may not suffer its notions to undergo the unstable, inconsequent changes prohibited by the duty of truthfulness." [1]

Rabbinism collects, arranges, and in particular fortifies all traditions, hedging the life of the individual and the community about with law-bidden religious practices. Laws encompass the times of the day, the

[1] *Geschichte der Aesthetik*, p. 97 *seq.*

seasons of the year, the phenomena of nature, the fortunes of men. Each and everything connected with the work and the joy of human life is consecrated by a benediction, a symbolic act, a custom obeyed. Thus the various activities of body and mind are reduced to a homogeneous and organic unit. The constant reference of all manifestations of life to God and his law is the plainest symbol of an harmonious moral nature true to itself. As such it was regarded and taught by the Rabbis, as well as exemplified in their conduct.

This idea, that the unity of the agent conditions all true morality, is suggestively conveyed in the daily prayer for enlightenment and elevation. In the words of the Psalmist (Ps. 86:11), the petition is made, "Cause our hearts to become one and united." [1]

[1] ויחד לבבינו. Gesenius (ed. 10) says under יחד, "to unify, unite, keep together (one's thoughts and desires; opp. *sich zerstreuen*, to divert the mind)."

3. Their execution involves the performance of acts of purely ideal bearing.

§24. This merely formal estimate of obedience to ceremonial injunctions is connected with another effect, psychologically higher and more valuable. By religious practices men are again and again liberated from the thraldom of material life and everyday duties, emancipated from the tyranny of utilitarianism and pleasure-seeking, and raised above sensual indulgences, ordinary as well as refined. Whatever they do or plan, they are in the atmosphere of acts that serve ideal interests exclusively.

4. Especially in their character as symbols of ethical ideas.

§25. But from an ethical point of view these formal and abstract motives for the observance of ceremonial laws are not so important as the circumstance that all acts prescribed have a definite meaning. The main consideration is not the fulfilment of duty, nor even its fulfilment for the sake of God, but the meaning attached to every practice. All religious customs have a symbolic meaning. They are symbols of religious, more often of ethical ideas, and

the Rabbis, from oldest times down to the present, have been indefatigable and unsurpassed in explaining and inculcating the ethical thoughts hidden under symbolic guises. I adduce one example:

Historical reminiscences aroused by symbolic acts. Exodus from Egypt. The notion of liberty and of man's ethical vocation.

§26. Symbolic acts are meant to arouse historical memories, in order to lead up to the ethical teaching and exhortation issuing from them. The exodus from Egypt was unique in the history of the Israelites.[1] It gave birth to the nation and the state. In the Roman period, when these results of the great event were made nugatory, nationality and government both having been destroyed, and when vigorous Rabbinism was in the ascendant, all commands, festivals, customs, and ethical teachings

[1] And, indeed, in the history of mankind at large. Does history know of another horde of slaves transformed into a highly cultivated people? (Comp. Deut. 4:34, the religious aspect of the thought, which, however, in the words, "to take to himself a nation from the midst of the nations," goes straight to the ethno-psychological root of the matter.) See note to §167, p. 231.

were brought into connection with the going out from Egypt. Whatever was noble, edifying, devotional, became commemorative of the Exodus (זכר ליציאת מצרים).

Even in the Pentateuch ethical teachings are connected with Egyptian reminiscences. There it is the memory of the sojourn in Egypt, the condition of the people as aliens and an oppressed class, that is used as the vehicle of ethical commands, especially to dispose the people to justice and gentleness towards the stranger, to mildness and magnanimity towards the downtrodden; "for ye know well the spirit of the stranger" (Exod. 23:9).

The Prophets and Psalmists, on the other hand, employ the great historical event to give reality chiefly to the religious idea of God's providence and grace. The Rabbis, finally, deduce from it the two fundamental elements of man's ethical education: the notion of liberty and the notion of man's ethical task.

Political and even civil freedom was lost. The Roman Pharaohs, if they did not exact labor, the more despotically exacted property and blood, and aimed at the annihilation of ideal possessions—the Law, its study, and its execution. Yet the notion of liberty, inner moral and spiritual liberty, cherished as a pure, exalted ideal, possible only under and through the Law,[1] was associated with the memory of the redemption from Egyptian slavery, and this memory in turn was connected with symbolic practices accompanying every act, pleasure, and celebration.

Connection between the two notions.

§27. How the notion of liberty is connected with that of man's ethical vocation, with his essentially moral nature and task, the Rabbinic mind has presented vividly, in an exuberant variety of ways. That Israel, and with Israel all mankind, was redeemed, not at the Red Sea, but at Sinai, is a thought reiterated in a number of passages;

[1] See *Aboth* 6:2.

in the allegory, for instance, that God bade Moses write the Law in seventy languages in order that *all* nations might have a share in it. Again, it is said that "the Law was revealed publicly, in the unclaimed desert. If it had been given in the land of Israel, the Israelites might have maintained that the other nations had no part in it. Therefore it was published in the open desert; it is the property of the whole world; every one is at liberty to assume the responsibilities it imposes." [1]

Last (5) result of authoritatively established law the spiritual oneness of the community. Social Ethics.

§28. The last but perhaps most important outcome of a complete system of laws based upon generally recognized authority was that it effected the spiritual union of the community. No corporate body existed, yet the legal prescriptions resolved themselves into a system of social ethics. Without an external, tangible unity, the inner, spiritual oneness of the whole race was more pronounced than ever before, more

[1] *Mekhilta Yithro Parshath Bachodesh.*

pronounced perhaps than in the case of any other people. Moreover, this oneness was promoted with full consciousness of the object in view. The (sacrificial) cult common to all was replaced by a purer, more spiritual divine service and by firmer religious laws, symbols at once of ethical obedience and the ethical communion.

Historical difference between the Jews and other conquered nations. Avoidance of individualism. Ideal communion through a common ideal.

§29. The significance of this historical difference between the Jews and other peoples cannot be overestimated. Provided nations do not suffer complete dissolution through the absorption of their members by their conquerors—the later Greeks, for instance, were not Greeks, the Romans not Romans, the Babylonians not Babylonians —we see everywhere that they are led to individualism by the decay of political institutions. And when individualism has supervened, Stoics and Epicureans proceed to justify it theoretically. Among the Jews a peculiar sociological element asserted itself, a new sort of union, part intellectual,

part moral. It was highly characteristic, for example, that instead of compromising with the invader's views, the Jews, sealing their conduct with the sacrifice of numerous martyrs, clung tenaciously to their own law, to their traditional principles. And precisely at this time their inflexibility was heightened by the development of the legal system with the purposes of equality and uniformity in view.[1] The unity of all religious statutes gave rise in turn to the obligation of every individual to guard the honor, the dignity, the safety of the whole people. Despite wide dispersion, no matter who and what the individual, wherever

[1] Astute politician that he was, the Roman recognized that the Jewish Law guaranteed the continuance of the Jewish race, together with a certain power of resistance. He therefore directed his persecutions mainly against the study and execution of the Law. He hated the Law; he hated the Jewish spirit more than the Jew. Hate makes blind. The Roman could not appreciate the excellence of the Jewish spirit. It seemed to him an enigma. It would be instructive to contrast the Roman conquest with the invasion of Jewry by the Greek spirit.

he may live, he owes the duty of "sanctifying the name of God" (קידוש השם), and the community as such is a "sanctification of the name of God" (מקדש השם).

§30. The congregations began to develop a new sort of social constitution. The old social-agrarian state with its statutory provision for each family, its regulations concerning the permanent allotment of real property, its Sabbatical and Jubilee years, its surrender of the gleanings, the corners of the field, and the forgotten fruit to the poor and (mark you) the stranger—this state disappeared. Its ideal of happiness: "Every man under his vine and under his figtree," became impossible of realization. Instead, the congregations elaborated poor laws of wide compass and great rigor.[1]

New social constitution. Poor laws. Unity and breadth of the national consciousness. Humanity.

[1] Which grant non-Jews the same privileges as Jews (see *Gittin* 61[a]; comp. ch. III). It is highly characteristic of the continuity of the Jewish spirit that Maimonides in his code (about thousand years after the downfall of the agrarian state) presents the charity regulations in the division on agricultural laws (זרעים).

Then the scattered Jews began to feel that ethically each was surety for the other. More than ever they regarded themselves as the "people of God" (עם ה׳). The derivation of עם, "people," from עמם, "to assemble," "to unite," was exemplified in the feeling of the masses. The bond of union no longer was of the earth—was not a fatherland, but the Father in heaven. The increasing misery of the times fostered devotion to the past. The notion of "the merit of the fathers" (זכות אבות) grew up in its specifically Jewish sense, to which there is no analogy among other nations.[1] All eyes were fixed upon the future, all hopes centred in the reign of the Messiah, which was to embrace the whole of mankind. The established liturgy, accepted everywhere, iterated again and again the prayer for the attainment of the goal of all history, that "the earth shall be full of the knowledge of the Lord." God's throne

[1] See Appendix No. 7, p. 255.

no longer stood in Jerusalem: "In every place where I shall permit my name to be mentioned, I will come unto thee, and I will bless thee" (Exod. 20:24).[1]

Whithersoever the God-idea is borne, wheresoever it is cherished, there is the sanctuary. The whole of Rabbinic literature—no disciple or sage dissenting, all insisting upon it with profound solemnity—is pervaded by the ideal requirement: Every house a temple, every heart an altar, every human being a priest. Every human being, not every Israelite—is the hope and the injunction. Numerous passages in the Talmud and Midrash teach emphatically that the commands of Biblical law are addressed to *man:* "Not priest, nor Levite, nor Israelite, but only man" (= אדם, Adam) is mentioned in the Scriptures as the bearer of the Law.[2]

[1] Comp. *Aboth* 3:7.

[2] See *Abodah Zarah* 3ª on Lev. 18:5, and other passages.

Simon the Just anticipates Jochanan ben Zakkai.

§31. Above (in §17) were mentioned the new ethical elements put into the foreground after the destruction of the Temple, and it is true that they then asserted themselves energetically, in new forms corresponding to changed historical circumstances. But in all their essentials they had been present in the creations of the past. As the thought discussed in the last paragraph (§30) sprang from Prophetical sources, and is clearly expressed even in Solomon's prayer at the dedication of the Temple (I Kings 8:41 *seq.*); so the trend of thought promulgated by Jochanan ben Zakkai and the three ethical motives inculcated by him were anticipated by Simon the Just. His sentence: "Upon three things, Law, Divine Service, and Charity, rests the (ideal order of the) world,"[1] must have been a current expression. By divine service Simon doubtless meant the sacrificial cult, but later every specifically religious

[1] *Aboth* 1:2.

practice was included under the term *Abodah*, to the establishment and spread of whose regulations the teachers of Jabneh and of the succeeding schools devoted themselves.

§32. Famous deeds, whose memory is kept alive by the generations, are a notable source, not only of ethical instruction, but also of moral impulse in a community. They enrich and confirm the moral import of life. As historical research recognizes the moral elevation of a people better by its heroic deeds than by its writings and orations; so a heritage of deeds is more influential than a heritage of words. The heroism of the past enkindles the young, exalts the old. In the former it implants, in the latter it nurses, noble views. Reality begets the real. The acceptance of ideal requirements, boundless devotion amounting to self-sacrifice, these convey ethical discipline to the hearts of the people, in ways which teach the true import of ethics more clearly

Historical deeds the source of ethical knowledge and impulse.

and impressively than formulated doctrines. The wars of independence, for instance, waged by the Jews against the Greeks and the Romans, illustrate the Jewish attitude towards life and its duties. Though at first blush these conflicts seem similar to the conflicts engaged in by other nations, they differ from them fundamentally. The others battled, to use the Roman phrase, *pro aris atque focis*, for hearth and home. To be fighting for religion was a new thing. Material possessions did not enter into the question. Neither home, nor property, nor even life was considered. Though all mental and physical powers, unparalleled courage, surpassing bravery, were evoked by the conflict, yet, in the heat of the bitterest encounter, the combatants would lay down arms and offer up life rather than desecrate the Sabbath. That indicates that the soul of the people not only was aglow with religious enthusiasm, but was endowed with the highest moral

capacity for devotion to an idea and sacrifice in its furtherance. True, inner, spiritual liberty, man's highest possession and highest dignity, was at stake. Of course, not every combatant was conscious of the impelling force of the idea. But in all it was effective, stimulating their energy and urging its release in action. Few would have been able to put into words or to think out consecutively what animated them, but however dimly it may have conveyed itself to the perceptions of the agent, it was none the less true that he was irresistibly actuated by the conviction that life is of value only if religious views may reveal themselves and be illustrated in conduct.

The ethical potency of martyrdom.

§33. In earlier times, the preservation of the state, that is, of political independence and civil liberty, was part of the high purpose of war. Later, soldiers were replaced by martyrs. For the study of the sacred Scripture and the fulfilment of its most important commands Rome decreed the death

penalty, and moral hero after hero incurred it. With dauntless courage they faced death, gladly sacrificing a life that was worthless if made void of its only true meaning. Indeed, they considered the supreme purpose of life fulfilled in this one act—its sacrifice for religion. Akiba ben Joseph dying at the stake calls himself happy, because he is permitted to execute literally the command to "love the Lord with all thy heart, with all thy soul, with all thy might," for, he said, "with all thy soul" means "even if thou must yield up thy soul." To him love of God was not a single command like others: it was the real content of human life. To prove his love he willingly gave life itself.[1]

The fact must never be lost sight of that so far as the great mass of the people, the Jewish people in particular, are concerned, all law has from time immemorial been taught as divine. In their consciousness

[1] *Berakhoth* 61b.

no difference exists between religious and ethical duties. Now, law is a standard aiming at the ideal shaping of life, and the self-sacrifice of martyrs is the seal of their unconditional obedience to law. Therefore, more than instruction by word of mouth, the example of martyrs serves as an ethical spring of action. Such examples, moreover, live constantly upon the lips and in the hearts of men. Martyrs are "perpetual augmenters of the empire" of ethical idealism, of the kingdom of God on earth. Thus the ethical elements in the soul of the populace are enriched, and the ethical convictions of the masses strengthened.

The soul and the convictions of the people, in turn, are the sources of inspiration to leaders, who expound the ideal content of life by luminous thoughts, and by flaming words perpetuate it from generation to generation as a real and efficacious influence.

Jewish poetry characterized. Poetry an ethical incentive.

§34. History is supplemented by poetry as a source of moral edification and ethical incitement. Poetry enlarges our grasp of life; whatever fills our souls, whatever moves our hearts, it seizes upon, refines, and clothes in noble forms.

Two fundamental principles and tendencies must be distinguished in poetry. They underlie the division of poetry into its two great classes, and characterize the difference between nations devoted to the one or the other kind. In epic and dramatic poetry, as in the plastic arts, the creation of a second world, as it were, is the object in view. Left unsatisfied by what the experiences of life, in detail and in the aggregate, in the present and as recorded in history, offer as reality, the mind resorts to a self-created second world. The Indo-European genius, not content with the vast natural world, with a knowledge of actual events, casts about to conjure up other happenings, other actors and characters, other

complexities, in short, such things as "nowhere and ne'er have been."

The Semitic peoples, especially the Jews, are far different. Their poetry is almost exclusively lyric-didactic, dealing, not with the shapes of untrammeled fancy, not with the images of an unreal world, but with actual phenomena, with forms, characters, acts, and religious movements of history. Nor does it stop when it has clothed this real world in chaste, æsthetic forms. It pierces to its depths by elevated thought, interpenetrates it with fresh-welling, stimulating feelings, selects its noble elements for impressive presentation, or emphasizes them in a tone of warning and instruction.

Both sorts of poetry strive to rise above the commonplace to the heights of the ideal. Epic-dramatic poetry seeks the ideal in forms bodied forth by fancy, unsubstantial, illusory figures; lyric-didactic poetry seeks and establishes it in the world of actuality and history.

Legends ornamental not architectural.

§35. As folk-poetry in the true sense of the word and as a union at the same time of the two tendencies just characterized, we may consider legends which embellish the lives of historical personages with fictitious particulars. The poetic instinct of the Jewish people was inexhaustible in inventing tales and traits of Biblical and Talmudic heroes. In social converse when the day's work was done, and by women at their spinning wheels, as well as by Agadists from the pulpits, these folk-tales were repeated and varied endlessly, tricked out with anecdotes and witticisms, and occasionally spiced with a dash of sarcasm, especially if wicked characters were held up as warning examples.

The Midrash literature contains no artistic, organic descriptions of characters like the Homeric heroes, for instance. Jewish legends, in other words, are not invented biographies, but embellishments of real biographies; they are ornamental, not archi-

tectural. But every legendary addition to the edifice of history has ethical significance. It would be absurd to speak of a conscious purpose running through the whole body of legendary anecdotes. Yet they are more than idle, diverting fancies. Their burden is affectionate devotion to the Biblical heroes, joy in the contemplation of noble lives, and scorn and abhorrence for the villains of history. That which is imputed to the good or to the bad, that to which greatest importance is attached, indicates the moral convictions, the ideal, underlying the fiction. A critical analysis of the network of legends with their ramifications and variations enveloping every Biblical personage, would enable an investigator who sets out to discover their ethical structure and formulate it in dogmatic statements, to compile the most important chapters of an ethical system.[1]

[1] Comp., for instance, Dr. B. Beer, *Das Leben Abrahams nach Auffassung der jüdischen Sage.* Leipsic, 1859.

Upon pulpits and in the academies the interpretation of fictitious sayings, acts, and events, gave rise to deductions from ethical fundamentals, to a more detailed differentiation of ethical concepts. A good deed readily suggests a good word. New ethical motives are pointed out, or are disengaged from their connection with other incentives to action. The makers of the Midrash were masters in this department, as they were in the art of abstracting a new ethical thought from the realistic particulars of a legend. They expressed it in a lucid sentence, or ingeniously attached it to a Biblical verse, where it found literary lodgment and length of life.

Besides law, history, and poetry, social institutions produce ethical principles.

§36. Another equally important source of original ethical thoughts and far-reaching instruction are the institutions of the congregation and other societies, with their statutes or regulations, whether transmitted in writing or by oral tradition, for when writing is least resorted to memory

is most faithful (as Plato avers in *Phædrus*).

The European civilization of the second half of our own century is distinguished for a multitude of flourishing organizations. Ethical purposes which have not yet been assumed by the state, and which formerly were wholly or partially neglected, are now promoted with energy by independent societies imbued with the sacredness of the ethical task.

These associations are an excellent index to the degree and the breadth of the ethical activity of our time, better perhaps than contemporary text-books of ethics. It is, therefore, interesting to note that they flourished in Jewish congregations in very early times. Civilized Europe became acquainted with Free Soup Kitchens in the middle of the nineteenth century. In the Talmud we find minute regulations concerning the duties and privileges connected with the dual institution of *Tamchui* and *Kuppah*. The one provided for the daily

distribution of victuals among the poor; the other, obviously intended for the shamefaced poor, provided for the weekly distribution of raw food supplies.[1] Holy brotherhoods and societies for the aid of the poor, the nursing of the sick, the clothing of the needy, the providing of dowries, etc., were attached to all but the smallest congregations. Above all, the *Talmud Torah* associations were so zealous in the preservation of the noblest heirlooms, in maintaining the continuity of the spiritual life, that even in the most oppressive circumstances Jewish illiteracy was rare.

The "Two Boxes." Their lessons and their success.

§37. Ethics is not an empiric science. It is to teach, not how men acted, or do act, but how they ought to act. But when, as here, the object is to give an historical presentation of what a nation, a school, etc., regarded as the content of ethics, then every sort of historical experience connected with it must be considered. Even

[1] *Peäh* 8: 7, and elsewhere.

ordinary facts may become a source of instruction. One example will illustrate my meaning.

The Berlin Jewish community has supported a society for the aid of mourners (*Mishan Abelim*) for one hundred and fifty years. Its object is to furnish assistance to poor families exposed to want through the death of a member, in view of the fact that the religious law enjoins the cessation of work during the days of mourning. Out of deference to the sensibilities of the recipients, the following arrangements have been made: Two locked boxes are sent to every house of mourning, alike of the rich and the poor. Box No. 1 contains a sum intended for the needy. It is accompanied by its key in a sealed package and by a letter requesting the recipient to open the box and empty it. In proportion to his need, he may retain the whole or part of its contents. If he requires no assistance, he is directed to put the whole sum into Box No.

2. Besides, the well-to-do are requested to add to the contents of Box No. 2 a contribution over and above the amount transferred to it from Box No. 1. Compliance with this request enables the association to accomplish its object. Box No. 2 remains unopened for some time during its passage from family to family, so that no one, not even the directors of the society, can be aware of the identity of givers and takers.

If our sole knowledge of the customs, principles, and ethical attitude of a community in a distant land or in remote times were the existence, administration, and success of the "Two Boxes," it would suffice to establish, beyond the shadow of a doubt, the following ethical ideas: Kindliness should be a principle of action. It should express itself in granting aid to the needy, that is, in charity. Charity should be exercised magnanimously, in such a way that the recipient remains unknown. Every pathologic taint, all softening of the heart

by the sight of the sufferer, should be avoided. Only the nobility and dignity of the ideal law should influence the giver. Again, charity should be exercised with delicacy. The recipient should remain in ignorance of the giver. Every possibility of the patron's displaying condescension or the client's feeling mortification should be excluded. In general, when aid is extended through the agency of a society or an almoner, he who gives and he who takes are unknown to each other. Yet it may happen that a director or an almoner may feel inclined to play the rôle of patron. Then the danger arises that partiality or neglect may be shown, or mortification inflicted, according to the character of the parties concerned. From the "Two Boxes" the gift may be taken without a pang, as it is offered impersonally and dispassionately, in obedience to the ethical law. The institution is a striking proof of the energetic impulse imparted to its found-

ers by the idea of benevolence. In order to practise charity safeguarded by delicacy, they deliberated and devised a beautiful plan.

Furthermore, a peculiarly ideal value attaches to the institution, inasmuch as it embodies the highest ethical principle, whose significance transcends that of any single idea, therefore transcends that of the idea of benevolence. Since the institution provides for the impersonal exercise of charity, for the suppression of the giver's and the recipient's individuality, public spirit alone is active in all givers and in all recipients. The community acts as an ethical unit. By means of ethical activity and only by means of and for the sake of ethical activity, a spiritual union is effected, the ethical communion of all concerned.

Finally, attention must be drawn to the circumstance that the whole proceeding is based upon a high degree of confidence felt in the members of the community.

None, it is assumed, will take needlessly, every one will give according to his means. Confidence of this kind is not absolutely a virtue; it may indicate carelessness. At this point ethics must resort to the teachings of history concerning the facts of real life. History will teach whether, from an ethical point of view, confidence is legitimate. The act of each individual, it is true, can be judged by God alone, the possibility of knowing it having been resigned voluntarily. But the prosperity of the institution of the "Two Boxes" in the aggregate, proved by statistics since the introduction of the plan, confirms the psychologic opinion that confidence placed in all and felt by all is one of the strongest and purest impulses for good affecting the will of man. In the present case the confidence has been brilliantly justified.

Customs and usages evidences of ethical convictions.

§38. Again, popular customs and usages that are not based upon a legal prescription, and therefore are not subjects of eth-

ical instruction, may serve as evidence and as producers of ethical views.

A rule which the Halachah regards as a custom, not as a law, bids the Jew join directly to the completion of one religious duty the fulfilment of a second.[1] For instance, in the evening following the Day of Atonement, at the end of twenty-four hours passed in fasting and prayer, it is customary, immediately after breaking the fast, to do something towards the erection of the booth used during the Feast of Tabernacles, which occurs four days later. There can be no more beautiful and, from the point of view of the education of the young, no more stimulating way of evincing devotion to the Law and willingness to fulfil its behests.

Schiller maintains that man's moral education is perforce reached by the circuitous way of the æsthetic sensibilities. A much

[1] Based upon a free interpretation of Ps. 84: 8 and upon the change of a promise into a requirement.

sounder psychologic basis underlies the pedagogic method employed by all pure religions, especially by Judaism, of producing ethical convictions by means of symbolic-religious acts.[1]

The ideals of the best the standard.

§39. In consulting experience it is important to pay heed to the soul-life, not of the majority, but of the best. Furthermore, in the best, ideals, not deeds, are to be coined by us into rules of conduct. Again, to leave ideals merely to be inferred from their realization is not enough; they must be shown to have actually existed as ideals in the soul of the agents.

The reverse of morality a source of ethical teaching. Conscience. Remorse.

§40. No elaborate demonstration is needed to prove that all narratives, true and fictitious; that history, anecdotes, Biblical tales, and legends alike, bring out immoral as well as moral aspects of life. Both aspects are made sources of ethical teaching. Beside elevating, inspiriting models stand examples of baseness and impiety to ad-

[1] See Appendix No. 8, p. 256.

monish and deter. The transcendent ideal on the one side is opposed on the other by the remorse, penitence, and contrition of sinners aware of their sinfulness. In the individual who by his actions assumes an attitude of negation towards the public spirit,—who, in short, violates the law,—morality manifests itself as twinges of conscience. As a rule, little is seen upon the surface to indicate the throes suffered by the moral spirit in consequence of negation and wrong, although the offensive act was positive, as the law violated is positive.[1]

Remorse, penitence, and their positive results.

§41. Yet positive moral results of a most potent kind may follow the emotional excitement caused by violation of law. The

[1] In the province of religion, therefore, contrition is justly required to express itself in a positive form, first, by a confession of sin (וידוי), then, by repentance, and finally, by particularly good works, self-imposed sacrifices, balancing the sin, as it were. In the province of ethics this idea is brought into prominence only occasionally, in certain departments, as, for instance, in the penal law. Absolution, setting free from the guilt as well as the penal consequences of sin, by means of "works of supererogation" is foreign to ethics and to Judaism.

penitential Psalms of the royal singer (Ps. 32, 51, etc.) testify to the access of power accruing to the principle of good from its neglect. Therefore the Rabbis gave frequent and greatly diversified expression to the requirement of תשובה, remorse, penitence, and improvement, always connecting it with positive good.[1]

More than this: in the phrase, "repentance and good deeds" (תשובה ומעשים טובים), repentance is not merely ranked with good deeds, but takes precedence of them. The Rabbis here had in mind the common experience that man rises to fulfilment of the law through its violation. Conscience is rendered acute by wrong committed.[2]

[1] As a consolation for the loss of the expiatory sacrifices, it is distinctly said: Repentance and contrition are equal to the whole sacrificial service (*Vayikra Rabbah*, ch. 7). The same holds good of the subjugation of an evil desire (*Sotah* 5[b] and *Sanhedrin* 43[b]).

[2] Therefore, the oldest codes (as the Ten Commandments) put most laws into a negative form. Comp. M. Lazarus, *Leben der Seele*, ed. 3, vol. III, p. 377 *seq.*

Besides restoring serenity to the soul, deep, honest, quickening remorse was expected to purge and heighten the moral sentiment. Therefore, the repentant sinner was rated higher than the guiltless, who lack the experience which serves as a gauge for the baseness of immorality and the elevation of morality.[1]

Even the obdurate yields ethical instruction.

§42. In fact, even the degraded, hardened, unrepentant criminal may serve as the text of an instructive ethical discussion, for the shaping influence of moral ideas reveals itself in the rejection of the bad as well as in the recognition of the good.

To sum up: whether the facts taught by experience or the ethical situations created by fancy be moral or the reverse, the spirit of ethics proclaims the same teaching, though it may vary as to form. It is clear that the presence of immorality in no wise disturbs the harmony of the moral theory of life.

[1] *Berakhoth* 34[b] and *Sanhedrin* 99[a].

Unity of statement despite disagreement among the sources.

§43. The inquiry into the nature and trustworthiness of the sources becomes more serious when we take note of the indisputable fact that the teachings and prescriptions drawn from them often seem to differ from one another, sometimes, indeed, to be contradictory. The historical and psychologic explanation lies near at hand. The dicta and the rules which are to be arranged into a system originated in different times and with different individuals. But this explanation leaves ethical and methodological difficulties unsolved. How is a homogeneous and harmonious statement of the ethics of Judaism to be reached in face of the disagreement among teachings and teachers? To show the solution of the problem and the principle which underlies it, and which will be followed as a guide in this work, it is necessary to say somewhat more concerning the nature of our sources.

Talmudic tradition. Lack of criticism.

§44. It is well-known that, broadly speaking, Talmudic wisdom was preserved

for several centuries only by oral tradition. When the hard times came, the fear that the destructive agencies of dispersion and persecution might jeopardize the continuity of tradition urged the compilation of all scattered and fragmentary records together with the precious matter handed down orally. The compilers were governed by the pious desire to perpetuate everything. Whatever could be brought together was accepted and set down in writing. An excess of modesty precluded criticism of inherited treasures. They were not sifted; nothing was rejected as below the standard. The sages of early times were looked upon, no doubt justly, as so much more representative than the compilers that no one presumed to object to an heirloom. Inadequacy was charged against the judgment and understanding of the later authorities, never against the material bequeathed by the past.[1]

[1] This exaggerated reverence is expressed in the sentence which has attained the currency of a pro-

Excessive harmonizing.

§45. Moreover, in the treatment of traditions the long dominant method had been to harmonize them. A contradiction between two Biblical verses, between two Rabbis, or between a Rabbi and the Scriptures, was at the outset repudiated, considered void. Either a reconciliation was effected at once, or it was confidently held out as a prospect.

Therefore it seemed not only permissible, but obligatory, to perpetuate and transmit differing and even contradictory views.[1]

Historical development performs the winnowing process.

§46. Later ethical literature shows plainly how historical development put into operation a winnowing and eliminating process, and brought about genuine harmony between contradictory views.

This was possible only because the principles were immutable. The fundamentals of the ethical view of life were never shaken.

verb: "If our forebears were angels, we are men; if they were men, we are like asses."

[1] So early a source as *Eduyoth* 1: 4 illustrates why a dissenting tradition is preserved.

The elaboration of the moral doctrine gave scope to exuberant individualism. In striving for ideal perfection and a more and more extended and discriminating application of principles, nicety of conscience and a strong desire to act in conformity with the moral law were re-enforced by acumen and dialectic refinement. The principles, however, remained unswervingly the same, equally valid for all.

Later discrimination.

§47. Uncritical as the original compilation was, so discriminating is the later literature. A just distinction is made between doctrinal articles and what is marked by personal or historical circumstances as an incidental expression. In this way, toasts, illustrations used for pedagogic purposes, humorous hyperbole, ejaculations, and all similar expressions were rejected.

Humor in the Talmud. Biblical expressions satirically applied.

§48[a]. In connection with this the presence of humor in the Talmud must be referred to in the strongest terms. It radiates its refreshing influence in the academic halls

alike of Jabneh and of Pumbeditha and Sura. Rabbah, it is reported, was in the habit of beginning his discourses with a jocular introduction.[1] And why should R. Meïr not spice the leisure of a journey by indulging in a pun at the expense of mine host? His name was *Kidor* (כידור), wherefrom R. Meïr inferred that he was a rogue (perhaps the hotel-bill had something to do with the conclusion!), for the Scriptures have it: *Ki dor tahpukhoth* ("a perverse generation").[2] This satiric use of a Biblical expression, incredible if it were not well-attested, should serve as a caution against a too serious weighing of every Talmudic sentence.

In the great discussion on the treatment of the *Am ha-Arcz* (the rural population), in which the men of Jabneh distinguished themselves by their nobility and their clear recognition of the necessity of division of

[1] *Pesachim* 117ª.

[2] כי דור תהפוכות (Deut. 32: 20). *Yoma* 83ᵇ.

labor as a civilizing factor,[1] there are passages that cannot be considered as anything but jests, as student jokes. Only a soul hounded by persecution could harbor the narrow pedantry that invests them with serious meaning or Halachic significance.[2]

Scale of expressions.

§48[b]. Accordingly, the traditional dicta range, on the one hand, from everybody's thoughts, beliefs, and knowledge, which, being the expression of the public spirit, were current as household words,[3] to the

[1] Their maxim was (*Berakhoth* 17[a]): "I am a being created by God, and he is a being created by God. I have my trade in town, he has his on the field. I rise early for my work, he rises early for his (= I am industrious, and he is industrious). As he does not boast of his (worldly, material) occupation, so I may not boast of my (intellectual) occupation. If you think that I accomplish much, and he accomplishes little, remember what we have learned: It matters not whether a man accomplishes much or little, if only his soul is directed heavenward (to the ideal)."

[2] See Appendix No. 9, p. 256.

[3] As, for instance, דינא דמלכותא דינא ("the law of the land is law").

quotation, on the other hand, of some forgotten opinion, advanced by an individual, on a certain occasion, in a given circle, and perhaps regarded at the time as peculiar. There follows necessarily a scale of values, graded by history and to be graded in a systematic statement. The clue to a just estimate can be derived from a consideration of the proverbs of all nations. As they often contradict each other, so, even among races of the highest moral standard, they are apt to be harsh—not a strange circumstance in view of the fact that most of them originated in an early period of deficient moral development. Overrating of the useful, encouragement of self-interest, painful reprisals, are common. If, then, the moral character of a nation is to be judged by its proverbs, only the best of them may go to form the verdict, only such as may be considered the product of gradual ethical growth.

§49. A paragraph must be devoted to the

Their value and their futility. Historical explanation.

words wrung from the soul by the agony of persecution, by crying injustice, by sorrow and grief over violence and oppression. How often Simon ben Yochai's passionate outburst: "Kill even the best of the heathen!" has been cast up as a reproach! The critics forget that Simon had been bitterly persecuted by the Romans. He had been forced to spend thirteen joyless, inactive years in hiding in a cave, for the crime of having read and taught the Scriptures—nothing more. The Germans and the French of this century are nations of high ethical standing, yet the ebullitions of rage and revenge during the Napoleonic Wars and the War of 1870 make Ben Yochai's cry of pain seem unimpassioned by comparison. Wars, especially guerrilla warfare, and wicked maladministration by hostile rulers brutalize the consciences of the sufferers. Immoderate, despairing rage must be met understandingly, in the spirit of the Talmudic principle: "No one is re-

sponsible for words extorted by pain" (of persecution).[1] They should not be glossed over nor excused. As little may they be set down to the discredit of the nation or the speakers as their sober opinions.

It would be at once foolish and unjust to cite as principles of German and French ethics the ireful utterances of the noblest of the Germans in 1807 or of the French in 1870. Likewise, Simon ben Yochai, one of the most enlightened men of his time, was surely far from desiring to formulate as a doctrine the hard word into which the bitter passion of his woe emptied itself.[2] The originators of such utterances should be accorded justice, though the utterances themselves should not be allowed to escape fair criticism. The narrowness of thoroughgoing apologetes is sometimes as disastrous to the recognition of truth as the blindness and equivocation of fanatic foes.

[1] *Baba Bathra* 16b. [2] See Appendix No. 10, p. 261.

Ethical conviction discernible even in passion.

§50. The most important lesson learnt and taught by ethics in connection with the record of frenzied outbursts is that the ethical view of life may assert itself even in such reprehensible extremes of passion. The pity of it is that a sickly, poisonous parasite battens upon the root of a healthy, legitimate idea. Patriotism, heightened perchance by an exaggerated sense of the right of retaliation, and both deluded as to the limits of their ethical justification, overgrows and stifles the other moral ideas. It is meet to praise the fire of patriotism, only it should never be permitted to spread so far as to consume other moral ideas.[1]

Every age has its own authority.

§51. Turning to doctrinal utterances proper, we must admit without reservation that, individualistic as they are, their value is unequal. To elaborate them into an harmonious system of ethics it is above all necessary to keep in mind the Rabbinical principle, that the teacher of every age (in

[1] See Appendix No. 11, p. 265.

theoretic, as the judge in practical questions) has the right and the duty, without prejudice to tradition, to decide a mooted point according to his understanding and his conscience. In many forms the thought re-appears that the authority of every age must be upheld. A prophylactic was thus provided against the inertia of the teachers and the insubordination and litigiousness of the laity, and on the other hand, vigor of conscientious thought was fostered. This principle is the basis of the prohibition to reduce traditional decisions and explanations to writing, which was observed in the epoch, critical for Judaism, before and after the fall of the state and the Temple. Nor is this Rabbinical principle affected by the discussion, philological and historical,—which probably, with our present sources, will never be decided to the satisfaction of all—as to when and in what parts the Mishnah was first written down, for even laws supposed to be derived direct from

Sinai (הלמ"כ) may be called into question.[1]

Many arguments, witty and wise, are adduced to prove this fundamental principle of Rabbinism a Biblical teaching. For instance: "In Deuteronomy 17:9 it is said: 'Thou shalt come . . . unto the judge that shall be in those days and inquire.' Can a man possibly go to a judge not of his days?" The wording is said to be peculiar, in order to indicate that the teacher of a given time is clothed with authority.[2] Again, the seventy elders appointed by Moses as his assistants were not enumerated by name, so that they might not be cited as authorities. Everybody is expected to draw truth from the original sources, by the exertion of his own strength and at his own peril.

Transformation of a law often its preservation.

§52. The Talmud makes distinct reference to the fact that later Prophets contra-

[1] See *Responses* of Chawoth Yair, No. 192.
[2] See *Rosh ha-Shanah* 25b.

dicted Mosaic words, and substituted their own thoughts.[1] The principle stated by R. Simon ben Lakish, that "sometimes to annul a law is to establish it," was properly adopted. Reform—a new conception—often furnishes the real justification for a law which, in its earlier shape, has diminished in value, has become irrelevant and inexpedient. Reform, therefore, is pre-eminently conservative.[2]

Tradition a guide, not a fetter.

§53. The almost boundless esteem in which tradition was held was supplemented by the distinct feeling that it was to guide conscience, not fetter it; whet the mind, not blunt it. This view found expression in the clear-cut rule: "A decision depends, not upon the age of the teacher, but upon

[1] *Makkoth* 24[a].

[2] *Menachoth* 99[a] and [b]. That this is the true meaning of the Talmud words, in spite of Rashi's disinclination to accept it, appears from the opposition between ביטולה and יסודה. The former cannot mean "interruption of study," because the second clause cannot possibly make sense if יסודה is taken as "occupation with the Law." Rashi himself has subverted the very יכוד ("foundation").

his arguments." [1] Reverence for the hoary head as enjoined in the Bible was a prime virtue in the Rabbinical world. Yet, in the establishment of truth, arguments are prized above everything. And what holds of the teachers, is valid of the teachings: not their age, their truth must be proved.

Traditionalism and rationalism. Hillel's Prosbul.

§54. With reference to this question the Judaism of the past presents two doctrinal opinions, in fact, is divided into two opposing tendencies. Let us call the one traditionalism, the other rationalism. But the latter is to be taken in a most restricted sense, and is as consistently conservative as its antagonistic trend of thought.

Traditionalism teaches and accepts nothing, unless it has been handed down from the past. For it a doctrine requires no justification beyond the fact of its having been so handed down.

The rationalistic attitude demands a reason for every doctrine, in other words, de-

[1] *Baba Bathra* 142b.

mands proof of its truth or validity, either quoted from Scripture or reached by reason, that is, derived logically from another law or from the reasons for the other law. Such a course admits of real progress in law-making, of positive development; even new laws may arise. In fact, new ordinances to serve some purpose of ethical fitness or keep a practical condition within legal bounds can and should be framed in the spirit of the old laws. This method, consciously pursued since Hillel's time, was primarily calculated to apply the spirit of old laws to completely transformed or newly arisen conditions in social life and in commerce. Its scope was enlarged to include ordinances which abrogated a distinct Biblical law, or sanctioned its evasion, in order to insure the fulfilment of its spirit and purpose.

Hillel's Prosbul is an illustration in point.[1] The sages of the time could neither

[1] Prosbul was a document framed at court by a

disregard recent momentous conditions of commerce not allowed for under the old law, nor abandon the situation to arbitrary lawlessness. They therefore accepted a solution which, though contradictory to the letter of the law, rendered certain the execution of its spirit, namely, the promotion of a commercial credit system in the interest of the needy.

Traditionalism characterized. Its passivity.

§55. Traditionalism appeals to and is based upon memory. Rationalism demands logical exercise of the mind and refinement of conscience. In the Talmudic writings traditionalism, though sometimes satirized,[1] is more frequently praised. It aspires to

creditor and attested by witnesses before the beginning of a year of release. It recited that the ordinance releasing debtors from payment (Deut. 15: 2) does not apply to the creditor named therein, and that he reserves the right to collect the debt. The exhortation in Deuteronomy 15: 9 could not be counted upon to influence capitalists in times of growing commercial activity based upon credit. To prevent the obstruction of commerce to the detriment of the poor, a legal expedient had to be invented.

[1] *Sukkah* 28a.

and possesses a quality held in high and general esteem. The traditionalist is absolutely sure about his teachings: "I have heard it from my teacher," or "I have not heard it"—that is final. No need for anxious seeking, for intellectual striving! The conflict of ideas, the battle of arguments, is repudiated. There is no hesitation, no doubt; on the other hand, no progress, no creation.[1] Naturally, grievous embarrassment was the portion of the traditionalist in the presence of contradictory traditions, of which there was no lack. His invulnerability was imperiled. One of the most unfortunate expedients in such a case was decision according to the number of those to whom the tradition could be traced.[2] At first glance it might seem that traditionalism is a result of modesty. But closer examination reveals the fact, confirmed by history, that oftener its sources are pride and greed of power.

[1] See Appendix No. 12, p. 268.
[2] See Appendix No. 13, p. 271.

Ethics requires research. Variety of practices compatible with uniformity of ethics.

§56. The decision of theological questions in view of the two tendencies of Jewish thought does not concern us here. With regard to the science of ethics, however, and the relation of Rabbinism to it, no doubt can arise. We shall see later, in discussing the real nature and essence of the ethical, that it requires, as its basis, intellectual activity, clear insight, and a quick conscience.

It is obvious that many details may be left to successive generations and single persons without detriment to ethics, pure or applied. As it is, they spring from individual views and circumstances. They affect only the practical issues of life, which may vary, though the teaching of ethics be uniform. For instance, R. Mathias teaches: "Be the tail among lions rather than the head among foxes."[1] In the Jerusalem Talmud, the opposite, "Be the head among foxes rather than the tail among

[1] *Aboth* 4: 15.

lions," is designated as a proverb,[1] and the opposition between the teaching and the current saying is expressly noted.

Solution of the problem: multiplicity of moral ideas.

§57. The required and actually existing unity of the ethical, then, is opposed by a variety of teachings and commands (as, for instance, in regard to conduct towards our fellow-men in given cases, our attitude towards events and their consequences). The solution of the problem thus presented lies in the fact that morality manifests itself in a multiplicity of ideas, some of which exclude all others when applied to a stated case, or, indeed, in the definition of a given doctrine. For example, justice and mercy, severity and mildness, assert themselves at one and the same time as ideal requirements. In each generation and within

[1] *Sanhedrin* 4: 10. The proverb is mere worldly wisdom, the child of practical sense. The mind of the Rabbi, on the other hand, is fixed upon the ethical purpose. He, therefore, desires, above all, association with his superiors in however modest a capacity; the proverb gives preference to leadership, though exercised among inferiors.

every sphere, practical life works out a standard,[1] but all human provinces and humanity as a whole look to ethics for their harmonious unification. It is for ethics to mete out to every idea its just boundaries, determine its co-ordination with others, decide cases of conflicting duties, and set doubting consciences at rest.

Psychologic differences co-existent with ethical agreement. The *Am ha-Arez* question a case in point.

§58. From the point of view of the history and development of the science of ethics, it is extremely instructive to note the forms assumed by this conflict of ideas —how, in different individuals of equal elevation and purity of motive, it renews itself, or is adjusted under the influence, now of the changing conditions of life, now of advancing culture.

One illustration will suffice to make this

[1] The state, for example, or a religious brotherhood, or communal and other associations, must each make the decisions affecting its welfare. With equal purity of ethical conviction, they are bound to differ in action, because their aims and the means at their command are not the same.

plain. We are in possession of opinions[1] diametrically opposed to each other concerning the treatment of the so-called *Am ha-Arez*, that is, of the mass of the rural population brutalized by guerrilla warfare, which, as we know, works more moral and spiritual mischief than any other sort. This frank disagreement indicates no ethical opposition, nor even a gradation of moral views, only a psychologic difference of opinion as to the results to be expected. The one sage hopes; the other despairs. The one urges condescension towards the base and their patient regeneration; the other insists, for the safeguarding of morality, upon the separation of the pure from the impure, the docile from the intractable. The one devotes himself to the rescue of whatever souls can be saved, and, if he fails, does his duty in the service of his kind; the other strives to rescue the cause, the moral idea, and therefore abandons individuals presum-

[1] See §48[a] and Appendix thereto.

ably beyond human salvation. The one provides for the good, and thus violates goodness itself; the other takes pity on the wretched, and attempts to plant in them the seeds of his own goodness. Success itself cannot decide the question finally. Though all efforts to raise the vile, to loose the bonds of iniquity, be unavailing, yet loving devotion, unselfish aspiration, are themselves noble achievements.

Multiplicity of motives and the force of personality. Subjective living becomes objective teaching.

§59. Every being conscious of moral obligations finds the solution of the problem only in the depths of his own personality. Inasmuch as men, despite historically entrenched and generally accepted standards, must put forth constant effort to rise to their height, such conflicts as the above will present an ever new problem to the individual. The question will recur again and again: shall justice prevail or love, zeal or meekness, care of the good or pity for the wretched? Daily and everywhere the dilemma weighs upon us. In churches and in

synagogues, in the pulpit and on the platform, religion and morality raise their highest ideals. But from the chambers of parliament and the halls of justice, as from every house and cabin, issue the peremptory demands of government and social order, of all sorts of expediencies and utilities, and of the necessities that constitute the actual life of individuals and communities.

Here the power of personality asserts itself triumphantly. The inner life of some man is stirred powerfully by the moral idea, and *his* decision becomes a norm for the public at large. His subjective living is transformed into objective teaching. Before the purged and purified law the problem vanishes. In fact and in spirit it is solved. It has no place upon the higher plane of morality to which the soul has mounted.

Jewish ethics derived only from the spirit of Judaism as a whole.

§60. In reviewing the chief ideas concerning the sources to be consulted for a systematic statement of the ethics of Juda-

ism, we must emphasize the circumstance that we derive the Jewish ethical view, its tendency and elevation, from the spirit of the literature as a whole, rather than from single formal doctrines. Of our subject it is peculiarly true, that the details of a written tradition are intelligible only through the whole. Every member of a living organism depends for its health and function upon the whole more than the whole depends upon each separate organ. So the true bearing of single features of Jewish literature can be learned only from their relation to the whole. The spirit that permeates, envelopes, and animates single utterances must be thoroughly comprehended. It is the gauge and interpreter of their ethical value. He who would merely place certain dicta of the Bible and the Talmud alongside of equivalent moral principles widely accepted among modern civilized peoples (or formulated in some system), is far removed from the legit-

imate aim of a presentation of the ethics of Judaism; he is not even on the road to it. The facts of our case reveal a good historical and psychologic reason for this. In Rabbinical literature as in the Biblical writings, convictions, deep-seated motives, conduct, rarely present themselves to us—nor, indeed, did they to the authors—through the medium of introspective reflection. The vitality of a tree resides out of sight in its fibrous rootlets, and the sources of a spring are hidden underground; so, with the Rabbis, the prime motive of action and the consciousness of aim withdrew from the publicity of definition.

Much of what sprang from Jewish soil, and was of the essence of Jewish life and conviction did not appear in the form of logically framed thoughts, certainly not in the form of an orderly, systematic statement. If it was conceived as a thought, it did not secure expression in clear, precise terms, in scientific language. Sometimes

it was a spiritual experience; sometimes it assumed shape in an act which was reported; again, an allegory, a legend, an allusion to a Biblical verse or narrative took the place of plain and simple teaching. In short, the fundamental ethical view was more inclusive, more profound and clear, than the notions developed under it or than its detailed, logical application to practical conduct. Therefore, the fundamental view does not attain to pithy, scientific expression.[1]

[1] This characteristic of the Rabbinical mind is the less surprising as Eucken discriminatingly points out the same in Kant, past master in philosophic analysis. Kant "does not attain to a clear, comprehensive notion of man's being. Though Kant deserves the greatest credit for his definition of such ideas as personality, character, deed, etc.; though he was the first to turn the light of scientific knowledge upon them; yet he by no means brings this about by way of philosophic abstraction. Rather the general formula is *supplemented by a greater wealth of original inductions*. But if the fundamental view is more comprehensive than the single notions, it naturally cannot attain to full expression through them." (See *Die Lebensanschauung grosser Denker*. Leipsic, 1890. P. 455.)

Lack of scientific system. Causes.

§61. That untiring, varied elaboration of the subject of ethics, which was carried on with acumen and passionate devotion, should co-exist with a method absolutely lacking in ordinary scientific system and logical consecutiveness[1]—this, too, has an historical explanation. First, the provisions of the most ancient legislation demanded simply action (or refraining from action). The moral impulse, the detail of conviction specially involved in a given law, in short, the motive, was stated, if at all, only in the form of a general moral idea (as, "ye shall be holy, for I am holy," and similar reasons). Again, the Jewish religion covered life with a network of symbolic actions, which present the elevated moral view of life in the form of a concrete illustration, or typify it as a psychologic influence. Thus the need of an explicit statement was felt neither in religion nor in the sphere of moral acts and the moral

[1] See Appendix No. 14, p. 273.

views underlying the acts. It is indisputable that this method of teaching morality leaves the ideal import of the doctrine intact, and from the point of view of the stimulation of the will is preferable to logical analysis. Therefore the spirit of Rabbinism rested satisfied, and was able to dispense with scientific system.

Doubt and criticism foreign to the Rabbinic mind.

§62. Another factor of great importance enters into the case. Scientific investigation results from doubt and criticism. To the Jewish mind all moral commands were at the same time religious, that is, divine commands. No doubt could arise concerning the meaning of the laws in general and the conviction underlying them, and criticism would have been out of place. Now, as the ethical in its broad outlines and innermost reason was unalterably fixed, it was felt that an explanation of the specific import of single laws and their logical derivation might be dispensed with. The certainty of obedience was thus heightened

to the prejudice of clearness and definiteness of knowledge.[1]

§63. However, all Talmudic authors, especially the earlier ones (of the Mishnah, the Tosefta, and the Talmudic Midrashim), permeated and governed as they are by the spirit of Jewish literature and tradition, are masters and models in deducing the universal from the individual, the hidden from the patent, the essence from the form.[2]

The universal derived from the individual.

[1] Hence, in later times, less profound, if more zealous, spirits went so far as to brand inquiry into the specific reasons for a certain law as heretical (for instance, in the famous and notorious Maimunist controversy). Tracing a law to its reasons (דרוש טעמה דקרא, "seek the reason of what is written") was debated by the Tannaites in the Talmud, but they had in mind chiefly its practical bearing upon the interpretation of the law.

[2] Comp. Michael Sachs, *Beiträge zur Sprach- und Alterthumsforschung*, Berlin, 1854, vol. II, p. 135. "The narrative of antiquity becomes prophecy, the poetry of later times retrospective symbolism." Therefore, "the fathers are the feet of God's throne"; for, according to Sachs' excellent interpretation of these words, "through the Patriarchs, knowledge of God and self-consecration to God established a new realm of the higher life in this world.

Rule for the use of Talmudic wisdom: objective truth, not individual license.

§64. In the study and application of Talmudic wisdom, some rule of guidance must be adopted. In every epoch, but especially in later times, even in the Gaonic and its related literature, the Midrash was often cultivated merely as a stimulating, pleasurable pursuit. By the side of research which disclosed the true ethical bearing of tradition, it indulged in arbitrary interpretations, conceits, and ingenious witticisms. It becomes our duty, therefore, to disentangle what to the best of our belief and knowledge is the ultimate principle, the actual, genuine view of life. The Rabbis, particularly the writers on religious and ethical subjects, should certainly not serve us as models when they depart from historic, objective truth.[1] Though always in

. . . The wondrous past is mirrored in every word [of the Song of Songs according to Midrashic interpretation], and fanciful, arbitrary explanations and paraphrases burst asunder the connecting chain by enlarging every link to an independent, disproportionately large circle."

[1] See Appendix No. 15, p. 279.

good faith and with the best intentions, yet with unbridled arbitrariness and often with full consciousness of their act, they carry their own thoughts into the traditional (Biblical and Talmudical) words. It is true that, in treating of the ethical conception of life, they hold fast, with extremely few exceptions,[1] to the fundamental view, to the generally accepted attitude, the ultimate principle, and the highest aim. Throughout the wide domain of their literary and intellectual effort, the historical continuity of the universal spirit and its oneness are so admirably maintained that, despite devotional conceits and pious fancies, even the mystical longing of the Kabbalah can scarcely withdraw from its unifying influence. On the other hand, original thoughts, because they are held to be truth, are unhesitatingly represented as traditional. They are artificially expounded as

[1] As, for instance, the *Zohar*, and even Bachya ibn Pakuda and other mystics.

the meaning of some Bible verse, even if to do so it be necessary to wrest the verse from its context. When all other tricks of the art of harmonizing fail, the wording is almost imperceptibly changed, perhaps by the addition of a long-suffering particle.[1] Such artifices must be rigidly excluded in making a scientific statement of traditional ideas, and a plain distinction must be drawn between one's own subjective thoughts and

[1] Only two examples shall be cited to illustrate how, with the help of fanciful construing and modifying, original thoughts of fundamental import, therefore of the highest scientific value, are joined to Biblical words of simple, direct meaning. By a figurative interpretation of מעלותיו and אגדה. the verse in Amos (9:6), "That buildeth in the heavens his steps, and hath founded his vault over the earth," gives rise to the moral thought that the majesty of God reveals itself only when men are joined in one union. *Vayikra Rabbah*, ch. 30. See Appendix No. 16, p. 281.

In *Aboth* 6:2, the simple assertion in the Bible that the Ten Commandments were graven upon the stone tablets suggests, by the change of חרות ("graven") into חירות ("freedom"), the exalted idea that man becomes truly free only through the moral law.

the objective, existing material. Our sole duty is to superimpose the form, the scientific and linguistic expression. The content must be derived from tradition alone. The skill in philological interpretation and assimilation and the modesty that waives recognition of originality may call forth praise but not imitation. Our scientific task turns neither upon ingenious art nor upon the moral excellence of modesty, but solely and alone upon the investigation of objective, historic truth.

The generally accepted *versus* the original meaning of sayings.

§65. In agreement with the above rule determining our attitude towards the ethical literature, another should be observed, which at first might seem contradictory to it. A number of expressions used in the Bible and by the Talmud sages are known to have originated on definite, historical occasions.[1] Accordingly, they had a definite, restricted meaning.

[1] See Appendix No. 17, p. 282.

In many cases such expressions were taken literally as they stood, as detached sentences, in their widest possible meaning, and so perpetuated themselves for a thousand years and more. The historical occasion in connection with which the words first appeared was forgotten or disregarded. As sources of instruction for us such sentences must be taken in their general acceptation. Not the original, special meaning, but the meaning that acquired currency in the course of time is valid for us. Our concern is not with the thought that was, or should have been, suggested by the words in the first place, but with the thought they actually did suggest during centuries. One example follows. Rabban Gamaliel announced: He who will not show his colors, that is (most probably), will not declare himself publicly an adherent either of Hillel's party or of Shammai's, may not come into the academy. Every one was to be "the same within and

without" (תוכו כברו).[1] This expression later became proverbial. The idea of truthfulness was as old as Biblical times. What one thinks and only what one thinks should be spoken. It is sinful to mislead, to dissemble, to flatter with false speech. One may not act with a double or a divided heart. Later, R. Gamaliel's pithy words acquired a general meaning bearing no reference to, nor even a reminder of, the occasion upon which they originated.[2] Inner conviction and outward action should agree with each other: תוכו כברו! The brevity of the saying was a recommendation. Mouth caught it from mouth, generation from generation. It became a pregnant expression for the general idea of truthfulness, the battle-cry in the conflict between being and seeming.[3]

§66. The last resort, however, should be,

[1] *Berakhoth* 28[a].

[2] For instance, the expression is used in connection with another matter by Rabbah in *Yoma* 72[b].

[3] See Appendix No. 18, p. 283.

Ultimate source the spirit of the people. Public ethical consciousness.

not to the spirit pervading the literature, but to the spirit animating the race and the religious brotherhood. The literature is itself but the outpouring of the people's heart, and a formal statement of the ethics of Judaism must draw its substance from the same source, from the innermost essence of the people's spirit, noting, at the same time, its development in the course of generations. The task is to watch the faintest stirrings of the public consciousness, to apprehend with delicately trained senses the imponderable elements of the ethical spirit, to give word and tangible shape to whatever shadowy thought or ideal longing moves the heart of the people.

Task of the science of ethics. The conscience of the people vested with legislative authority.

§67. The real task of ethical science is to preserve the living source of moral judgment fresh and limpid; deepening, purifying and protecting it. The secret must be laid bare, the dark illumined, the murky cleared, the consecutiveness of what seems partially contradictory demonstrated. To

accomplish this the soul of the people must be made the object of investigation, so that science may hold up a faithful mirror to it.

Such taking account of the public ethical consciousness is in harmony with Rabbinical views. The rule of the Rabbis before the issue of certain ordinances: "Look abroad and see what the custom of the people is,"[1] is not applicable here. It probably had reference chiefly to gaining insight into practical needs and to the consideration of peremptory expedients. But the general principle, "Custom and usage developed in Israel (naturally on the basis of the law) are rules of law,"[2] proves that the ethical conscience of the people was regarded as a source of legislative authority.

The peculiar qualification of the Jewish race,

§68. Ethical science and the Rabbis have good reason to consider the public consciousness of the Jews, more than that of

[1] בוק הזי מאי עמא דבר. *Berakhoth* 45ª.

[2] See Weiss, *Geschichte der Tradition*, II, p. 68, and elsewhere; also מ־רש״ל (R. Solomon Luria) in שו״ת No. 63, and ש״ש on *Baba Kamma*, ch. x, No. 42.

any other nation of antiquity, as the source of ethical concepts. Historical facts justify their confidence. It would be false modesty and reprehensible to omit mention here of the circumstances that brought about the special excellence of the Jewish race.

produced by the spread of religious and moral education.

§69. Over and above all a knowledge of ethical principles, of the law, was spread abroad in a way unparalleled among other nations. Facts of gravest importance may escape observation on account of our familiarity with them; they form part of our earliest consciousness. Such is the fact, not only that the Jews (as later the Christians) possessed Holy Writings, acknowledged sources of all moral and religious instruction,[1] but that by ordinance their contents were to be imparted to the people at stated times. They were read publicly, and often the reading was accompanied by an explanation (as in the synagogue discourses, the

[1] See Bernhard Stade, *Geschichte des Volkes Israel*, vol. I, pp. 660, 666 *seq.*

patterns of the Christian sermon). Among all, including the modern, nations, knowledge of the law is taken for granted. Ignorance of the law is nowhere an excuse. Yet no nation, ancient or modern, made provision for spreading knowledge of the law, of the moral doctrine. The Jews alone possessed an old regulation enjoining the public reading and expounding of the paragraphs of the code at definite times.

Constant exhortation: "Thou shalt know."

§70. The appreciation of knowledge among the Jews reaches back to earliest times. Read the Homeric poems from beginning to end, and though they contain ethical gems, there is nothing to indicate that knowledge, the perception of truth, was a human need, the pursuit and ideal of even the best of men. On the other hand, Biblical and still more post-Biblical literature is resonant with the exhortation: "Thou shalt know" (תדע), perceive, understand! The loftiest ideal of the Prophet is expressed in the sentence: "The earth

shall be full of the knowledge of the Lord, as the waters cover the sea" (Is. 11:9; comp. Jer. 31:33 and Hab. 2:14). The knowledge extolled is, of course, moral and religious, and this is the very knowledge that makes the soul of the people the repository of ethical material.[1] Further on we shall consider the provisions made by the Rabbis—who in this respect were models for a later stage of culture—to impart this

[1] Though it is true that at a late period the desire for knowledge awoke with peculiar force in Greece, becoming so energetic an impulse and producing such masterly scientific results that the whole of subsequent civilization looked to the Greeks as to models and leaders, yet it must be borne in mind that all their mental activity in no wise furthered or established the ethical consciousness of the people. The historical investigation of this fact has no place here; further on one of its main aspects will be considered. In any event, the absence of ethical study led gradually to the destruction of Greek national consciousness, to the loss of the idea of a national ethical mission, and thereby to the disintegration of the national bond. The Jews, on the other hand, in spite of political annihilation and wide dispersion through military force, grew more and more pronounced in their ethical traits.

knowledge to children and spread it among adults. Here it suffices to refer to the Talmudic interpretation of the "anointed" (in Ps. 105:15) as the "school-children," who "may not be disturbed even for the rebuilding of the Temple"[1]—surely an undertaking sacred to the Jew. Mothers are exempt from most of the duties of the ceremonial law, because they have done enough when they have "seen to it that their children go to school."

The esteem in which the Rabbis held knowledge was based upon a threefold reason: Knowledge is considered the highest and purest element of bliss, an element, too, that can be enjoyed in this world; moreover, it is the source of refined, unshakable convictions; and finally, it is therefore in itself an important feature of man's ethical task—the ethical pursuit pre-eminently worthy of man's intellectual powers.

§71. Here it is proper to advert to a cir-

[1] *Sabbath* 119b. See Appendix No. 15, p. 280.

Moral instruction the centre of the divine service. Study a religious pursuit. Research the climax of divine worship.

cumstance of extreme importance, namely, that the spread of moral knowledge was early brought into immediate connection with the divine service; indeed, it was made its central point after the destruction of the Temple, and so it remains to the present day. Again, this Jewish characteristic depends intimately upon the fact that study, the pursuit of knowledge and science, was regarded in early times, and in the course of time more and more, not merely as a moral duty, but as the loftiest religious practice.[1]

Ezra and Socrates. The Sophists and the "Men of the Great Assembly." Subjectivity proscribed among the Jews.

§72. Two other significant facts must be noted in connection with the foregoing.

In the year 444 before the Christian era, on the first day of the seventh month, Ezra, on his return from Babylonia, for the first time after long interruption, read from the book of the Law to a great assemblage of

[1] It is a psychologic fact readily understood that the religious valuation put upon study could not but exert an elevating and strengthening influence upon its subject-matter.

people gathered before the Water Gate in Jerusalem. At about the same time, the Athenian state under Pericles as well as the culture of the Greeks had reached their zenith. In Greece Socrates was demanding consideration of primary ethical principles and their definition, while Ezra in Judea was simply reading the moral law to the people and having it expounded to them (Neh. 8:2 *seq.*, especially v. 8). In the former country illumination was sought; in the latter, confirmation. The moral purity of the ethics of Socrates, the nobility and elevation of Plato's system, are beyond cavil. But the fine aspirations of Socrates and his disciples and successors were nullified by the Sophists. They brought about the disintegration of the ethical consciousness of the nation. Ezra's successors were the "Men of the Great Assembly,"[1] who effected the preservation

[1] The historical reports concerning the "Men of the Great Assembly" are inadequate, and produce

and development of the moral law in the spirit of the Prophets. The magnitude and seriousness of the contrast cannot be overestimated. Among the Jews there never was—not even in the most wretched of times—a confused, degenerate science of ethics such as the Sophists produced in Greece.

Destructive subjectivity was raised to the position of a scientific principle among the Greeks. The Jewish historian, on the other hand, damns a period of basest corruption by characterizing it as subjective. To paint the decay of morals he does not tell in detail of vile deeds; he simply says: "Every man did that which seemed right in his own eyes."[1] In actual practice possibly, the disparity between knowledge and

contradiction rather than agreement among historians. (Comp. A. Kuenen, *Gesammelte Abhandlungen zur biblischen Wissenschaft.* German tr. by K. Budde, 1894. Lecture 4.) But whoever and whatever these men may have been, the achievements ascribed to them in the text are beyond doubt.

[1] Judg. 17:6; 21:25.

deed, the proportion of cases of fulfilment of the law to those of violation, may sometimes have been the same in Jerusalem as at Athens. In point of fact, the subjectivity of the Jews is occasionally a prominent feature. Often enough they have suffered misfortune and ruin through its progeny—factionalism, stubbornness, self-will, individualism, insubordination.[1] But at least subjectivity was never exalted to the dignity of a theory. Caprice was always under the ban.

Ethical cohesion. Ethical consciousness of a social-ethical nature.

§73. Another feature characteristic of the ethical consciousness of the Jews asserted itself with wholesome results, especially in later times of severe trials. To the present day its influence is marked. Like all minorities, particularly persecuted minorities, the Jews developed ethical cohesion, a feeling of mutual responsibility, to a great degree. The thought, which, as we shall

[1] Comp. *Sabbath* 119b and other passages on the ethical reason for the destruction of Jerusalem.

see further on, lies at the substructure of our oldest legislation, that all ethics, by reason of its primary impelling force and its highest aim, is social ethics, more and more gained ground in actual life.

When all are equally exposed to calumnious accusations (בלבול)—a threatening cloud, no one, not even the enemy, knowing where the bolt will strike—the ethical consciousness develops quickly and vigorously. Thence arises a characteristic ethical trait of the national consciousness; a grave error, a crime, though committed by an individual, is felt with remorse and penitence as a "sin of the congregation."[1] The moral dignity of the community seems to every member to have suffered diminution through it.[2]

[1] A חטא in the קהילה. See Appendix No. 19, p. 286.

[2] The German nation, horrified by the two attempts in the "seventies" to assassinate Emperor William I, underwent a similar spiritual experience, which was intensified by the love generally felt for the noble monarch and by patriotic despair on account of impending degeneration.

§74. These, then, are my reasons for believing that, beside and above all literary sources, the living, traditional, constantly growing spirit of the whole Jewish race may and must be considered the fount of instruction upon the ethics of Judaism. It is patent, that to use it as such the systematizer of Jewish ethics must merge himself, in love and devotion, into the spirit of his people, and firmly and with open eyes must renounce every desire to introduce alien or original thoughts. Yet the most self-sacrificing, exclusive attention to the given material will not wipe out the personal equation—will not prevent the intrusion of a certain measure of individuality. And, in fact, as I have shown, the spirit of the Rabbis grants some freedom to the peremptory subjective impulse.

The author's declaration concerning the sources of Jewish ethics.

As for myself, at the end of this chapter on the sources available for a statement of Jewish ethics, I declare, before God and man, that I will not advance a thought in

this work which I do not conscientiously believe was born of the spirit of Judaism.[1] Whatever the Greeks, and the Romans, and the philosophic and general literature of modern nations have taught me, may assert itself in my presentation as a shaping force. The subject-matter I have drawn, to the best of my knowledge and belief, solely from Judaism and the Jewish spirit.

[1] Foreign ideas, agreeing with or differing from Jewish ideas, I shall always designate as such, and trace to their origin.

CHAPTER II

The Principle of Jewish Ethics

Research among the Rabbis directed towards the idea of the good.

§75. The Rabbinical world experienced no real need of a theoretic justification of ethics (see §61). The main incentive was lacking, namely, doubt of the authority of the moral law. Outside of the academies, it is true, covetousness, love of pleasure, greed of power, self-will, egotism, often enough rebelled against the requirements of morality. Prophets and Rabbis, therefore, had frequent occasion and reason to address themselves to the conscience of their hearers, to fortify the morally enervated, and scourge the refractory. But when low ideals triumphed, it was due to a weak or a bad will. The law had not been gainsaid by critical reason, it had been denied in acts. In other words, the idea of the good was not repudiated theoretically, but violated in practice.

Within the academies, among the representatives and wardens of moral truth, violation of the ideal law was considered immoral, reprehensible alike on the part of communities and individuals, whether great or insignificant. Uncompromising censure of every immoral act was visited even upon historical personages of highest deserts and widest repute.

Yet, although the theoretic recognition of the idea of the good and of the moral law flowing from it was unassailable, and there was no occasion to array positive arguments against doubt, the eager, investigating spirit of the Rabbis constantly busied itself with the ultimate cause of morality, or the idea of the good.

Two thoughts regarding the cognition of morality completely occupied the mind of the Rabbis.

Perfect understanding of it is bliss and man's moral task.

§76. On the one hand, the Rabbis held that man's highest happiness is assured by a perception of the innermost reason of

morality and the ultimate sources of the good; by a realization of their paramount value and sacred dignity; by an appreciation of their sublimity as the only revelation of a world-purpose. On the other hand, they held it an essential part of man's moral task to lose himself, heart and soul, in the contemplation of the ultimate reason of morality, to drink deep of the waters issuing from its sources, to promote and secure the sway of a purified moral doctrine over wider circles. It will not do merely to follow the rigid letter of the law, to rest satisfied with tradition as it stands. Men should be "inventive in the execution of the law" (ערומים במצוות)—they should seize, with acumen and penetration, with delicacy and vivacity, upon the essence of all that is good, and use the idea to guide and refine the fulness of life.[1]

§77. In its origin Jewish ethics is theologic. For the Jewish mind the theistic

Jewish ethics originally theologic. God the lawgiver.

[1] See Appendix No. 20, p. 287.

reason looms up in the foreground of all speculation upon morality. The whole Jewish conception of life is as little thinkable without God as our physical world without the sun.

Within Judaism the essence of morality has never been considered other than a divine emanation, the expression of a divine law, the fulfilment of a divine command. For man's will and conduct there are standards, that is, moral laws to be obeyed, and God is the lawgiver. Judaism regards what is morally good and what is pleasing to God, moral law and divine regulation, as inseparable concepts.

Stability of the law follows.

§78. In practice this reference of all moral laws to God as the source of their enactment has had a highly significant development, differentiating the life of the Jews radically from that of other peoples. Legislation among the Jews does not emanate from an earthly authority. Neither deliberation, nor resolution, nor the will of

one man or of many was the originator of a law. King, prophet, and priest could not create laws nor annul those in force. Not even the Great Assembly or the Sanhedrin could do it.[1]

If changed circumstances demanded peculiar ordinances, or an extension or relaxation of the old ones, or new regulations, they (תקנות) were decreed on the basis of the old laws, in harmony with and as an emanation from them. (Comp. §§ 52 and 54.)

Divine command because moral law.

§79. What is morally good and what is pleasing to God, moral law and divine regulation, we called inseparable concepts—inseparable, mark you, not identical.

An investigation of the essence and basis of the moral law reveals that Judaism everywhere clearly advances the thought, that not because God has ordained it is a

[1] Proofs are superfluous; however, see *Megillah* 14[a]. Also I take pleasure in referring to Döllinger, *Heidenthum und Judenthum*, p. 779 *seq.*

law moral, but because it is moral, therefore has God ordained it. Not by divine command does the moral become law, but because its content is moral, and it would necessarily, even without an ordinance, become law, therefore it is enjoined by God.

The moral law not the will and command of God, but an emanation from his being.

§80. In the oldest version of the laws, dating from a time when conscious, abstract consideration of the content and essence of the moral law, of its purport and basis, was out of the question, the thought appears with unmistakable clearness: the moral law does not exist by virtue of a divine act or an authoritative fiat; it flows from the essence of God's being, from his absolute and infinite moral nature. Therefore the fundamental law, "you shall be holy," which sums up all morality in one comprehensive expression, does not continue with "for I so will it," nor with "for I so command"; it reads, "You shall be holy, for I am holy," and other moral laws

close simply with the declaration, "I am God" (אני ה׳).

§81. The same thought runs through the whole of Rabbinic literature. The Divine Being and therefore the knowledge of his moral attributes, combined with the endeavor to emulate them in man's finite way, constitute at once the rule and the reason of morality: "Because I am merciful, thou shalt be merciful; as I am gracious, thou shalt be gracious, etc." (מה אני רחום וכו׳).[1]

God's nature the rule and reason of morality. Likeness to God.

In a word, the fundamental doctrine of Judaism reads: Because the moral is divine, therefore you shall be moral, and because

[1] There is absolutely no doubt in my mind that מה אני is meant to express both "as I am" and "because I am." Strictly, the meaning "as I am" for מה אני is an impossibility; man can approach the divine pattern, but he can never be equal to it. The reason underlying the moral, however, can and should be the same for man as for God. As God can have no reason for morality but the nature of the moral, so there shall be no other for man. It is unnecessary to cite passages; the expression recurs again and again in Talmud, Midrash, everywhere.

the divine is moral, you shall become like unto God. It may be said that the highest form and ultimate purpose of human life is likeness to God, and the ethical ideals are conceived as attributes of God, in whose image man was created, and whose copy and image it is man's task to strive to become.

Ethical ideals presented as divine attributes, to serve as patterns for man.

§82. The Bible does not expound, and the Rabbis do not inculcate, metaphysical notions or dogmatic teachings concerning the divine nature, for the purpose of deducing the legislative authority of God.[1] Man's duty of obedience is based neither upon God's omnipresence, nor his omnipotence, nor even his supreme wisdom.[2]

[1] On principle, metaphysics and mystical speculation were confined to the most intimate circles (*Chagigah* 11b, and elsewhere).

[2] Proverbs, especially chapters 1 and 8, seems to be an attempt in this direction, made in the time of Hezekiah. The Prophets do not continue the train of thought, and the only other passages that can possibly be made to bear upon it are the chapters in Job indicating the peripetia.

The ethical ideals are presented as attributes of God, and for the sake of their realization man is called upon to strive to become like unto God. When the "glory of God" is made manifest to Moses, only moral attributes are enumerated (Exod. 34:6), and in the well-known verse from Jeremiah, we have a clear statement of what man can and should know concerning God: "Let not the wise man glory in his wisdom, neither let the mighty man glory in his might, let not the rich man glory in his riches; but let him that glorieth glory in this, that he understandeth and knoweth me, that I am the Lord which exercise loving-kindness, judgment, and righteousness in the earth" (Jer. 9:22, 23).

Relation between divine law and human ethics.

§83. This, then, is the relation between divine law and human ethics: God is the lawgiver, but he did not promulgate the law as his pleasure or as an arbitrary or despotic command; and man is not to obey it as such. It is law for man, because he

recognizes in God the prototype of all morality, because God is the creative force back of the moral order and moral purpose of the world. Moral law, then, is based, not upon some dogmatic conception of God, but upon the idea of his morality, that is, upon the essential nature of morality. Not God the master, but God the ideal of all morality is the fountain-head of man's moral doctrine.

The objective, impersonal character of morality. Idea and person.

§84. As a philosopher, a teacher of ethics, does not consider himself the law-giver; as his desires and inclinations exercise no influence, and are meant to exercise none; as the genius of morality, or the idea of the good, working, as it were, through his person, dictates the substance of his teaching; as the moral idea of necessity shapes itself thus and so and not otherwise within him; as the principle underlying morality, whose bidding the will has but to do, assumes form in his mind; so in Judaism the majesty of the law produced the law.

"This is your wisdom and your understanding," says Deuteronomy (4:6) with reference to the law. When Kant calls the force that decrees, teaches, makes demands, by the term "practical reason," he but uses another expression for morality. Call it law, principle, idea, what you will, it is always an objective norm, in no wise dependent upon the pleasure of man, but constraining him as he knows himself to be constrained by the laws of logic when he thinks, by the laws of mathematics when he computes. The all-important consideration is the absolutely impersonal character of the moral idea. This thought was strikingly expressed in early times by Rabbi Jochanan: "The words of the law are fully established by him who considers himself naught as compared with them"[1]—that is, by one in whom objective truth has become subjective and living, who has identified the idea with his person.[2]

[1] *Sotah* 21b. [2] See Appendix No. 21, p. 288.

Relation of ethics to the Sinaitic law before, at, and after its promulgation.

§85. This view of the relation of human ethics to divine law can be deduced from the Rabbinical utterances upon its relation to the Sinaitic law before, at, and after its revelation.

Morality was not created by the Sinaitic code; it springs from its own and from man's peculiar nature. It could therefore be said, as it was, that "Abraham observed all moral laws."[1] Reason was the source of his ethical instruction. The Talmud distinguishes accurately between laws of reason, that is, laws independent of legislation, and formal, ritual ordinances, laws by virtue of their institution as such. It says with reference to Leviticus 18:4 *seq.*: "My judgments, that is, precepts—if they had not been laid down in Holy Scriptures, law (דין), or practical reason, would have demanded that they be put into writing; ordinances, however, rest upon institution."[2] The examples cited in connection

[1] Last Mishnah in *Kiddushin*. [2] *Yoma* 67b.

with this passage permit no doubt as to the antithesis intended. "Judgments" are illustrated by the laws of chastity, laws against bloodshed, robbery, etc.; "ordinances," by the prohibitions against eating swine's flesh, mixing divers fabrics, etc.

Moral laws, then, are not laws because they are written; they are written because they are laws.

Free moral convictions rated higher than obedience yielded to authority.

§86. Therefore, free moral convictions, not founded upon the authority and the act of revelation, are ranked above obedience to this authority. R. Simon ben Lakish taught: "The stranger who accepts the law of his own free will stands higher in the eyes of God than the hosts of the children of Israel that surrounded Mount Sinai. They saw the lightning, and heard the thunder, the *Shofar*, and the divine voice, else, perhaps, they would not have assumed the yoke of the divine order (עול מלכות שמים). The stranger heard naught of all this, yet, of his own impulse, he seeks to live in har-

mony with God—משלים עצמו להקב"ה וקיבל עליו עול מלכות שמים—and submits to the moral order of the universe. Who can stand higher"?[1]

The content of the law has compelling force. Hence, the right, the duty, of every age to obey reason and pass over and beyond written laws.

§87. It is in consonance with this that in the Talmud and the Midrash the authority of the teacher is in various ways represented as a circumstance of small importance in comparison with the significance and compelling force of the content of the law. Take, for instance, the principle that the dictum of the humblest, if it contains truth, is to be esteemed equal to the words of the great and even of the Most High: "What one has heard from a man of low estate should be looked upon as equal to what one has heard from a sage, from the Sanhedrin, from Moses, ay, from the mouth of the Most High."[2] Of still greater importance is the thought (touched upon in §52), recurring again and again in Talmudic literature, that every age is justified in disre-

[1] *Tanchuma Lekh Lekha.* [2] *Sifre Debarim,* §41.

garding, more, is in duty bound to disregard, the written law whenever reason and conviction demand its nullification.[1] "Come," said R. Jacob ben R. Chaninah to R. Jehudah, "let us investigate the laws again and again that no rust (חלודה) may gather upon them."[2]

Man's moral nature manifested before volition, in the recognition of the good.

§88. Deep ethical wisdom lies in the Rabbinical view, that though man's moral character, based on liberty of action, appears only in his desires and acts, his moral nature is revealed, before the exercise of choice and volition, in the perception and acknowledgment of the good. Volition, then, forms a second distinct step in moral activity.[3] This thought finds early and striking expression in the Biblical words (Deut.

[1] *Rosh ha-Shanah* 2: 9.

[2] *Sifre Debarim*, §306. See Appendix No. 22, p. 288.

[3] See *Debarim Rabbah*, ch. 4: אמר ר' חגי ולא עוד וכו'. Even Hirsch Fassel, a strictly orthodox Rabbi of our century, mentions not God but "reason as the binding power in morality, because even a divine injunction must often be disregarded."

30:11-14) which teach that man need not exert himself to obtain knowledge of the law (from heaven or from beyond the sea), for it is to be found very nigh to him, in his mouth and in his heart. In Kantian phrase, the moral law is autonomous, not heteronomous.

Independence of the ethical idea despite its theologic character.

§89. In Judaism, then, and more particularly in the Rabbinic cycle of ideas, every moral injunction is looked upon as being at the same time a religious requirement. Man's destiny is sought in his relation to God, its goal being likeness to God and the means of reaching it being obedience and willing devotion to him, the prototype and fountain-head of all morality. Yet the intimate connection with religion does not annul the independence of the ethical idea. The reference to God is made, not to establish, but to urge the claims of the moral.

This Rabbinic thought is expressed with astonishing clearness in the saying: "All commands left to the human heart"—that

is, to ethical research and conviction—" are accompanied in the Scriptures by the words, 'Thou shalt fear God.'"[1]

The autonomy of morality and Jewish ethics.

§90. Kant's fundamental principle has met with general recognition. The ethical writers, not alone of Germany, but of the civilized world, concur in the statement that the moral spirit is autonomous, that is, must bear the source of law within itself, and be independent of legislation and every sort of outside dictation. It is, therefore, incumbent upon us to examine and state more in detail the relation of the ethics of Judaism to Kant's principle, the more so as critics are not lacking, who, in the light of Kant's principle, presume to fasten a stigma upon Jewish ethics, because it was originally based on theistic grounds.

Pertinent quotations from Lotze, Köstlin, Görres, and Bähr.

§91. Investigators of the first rank have paid the highest tribute to this feature of the ethics of Judaism. For instance, Her-

[1] *Baba Mezia* 58b. See Appendix No. 23, p. 291.

mann Lotze, in instituting a comparison, on historical and psychologic lines, among all the peoples of antiquity, praises the Jewish conception of life as the first in which consideration of the moral is the vital centre, and morality alone is regarded as a rational world-purpose.[1] Karl Köstlin,[2] in speaking of the "tendency of morality," under which he includes the whole ethical system established by Christianity, says: "Proceeding from the Israelitish religion, the first and only one to give a true idea of the moral law and assign to it the place

[1] See *Mikrokosmus*, vol. III, p. 147. [*Microcosmus: an Essay concerning Man and his Relation to the World.* Translated from the German by Elizabeth Hamilton and E. E. Constance Jones, vol. II, p. 268; pp. 466-468.]

[2] Lotze was a philosopher, but Köstlin is a professor of Protestant theology and of philosophy, a circumstance of peculiar force in favor of his judgment of the ethics of Judaism. I follow up my Protestant authority with a Catholic writer, Jacob Joseph von Görres, who acquired widespread fame by reason of his versatility and broad culture, and particularly his knowledge of the antique world.

of supreme importance, Christianity maintained," etc.[1]

Görres considers as the characteristic, distinguishing feature of the Mosaic view, that it "guards the divine against the arrogance of probing reason, and, chaste and continent as it is, equally forbids its defilement by sensual imagination run riot. It lets its pure, undimmed ray appear refracted in the ethical alone, as an exalted vision, a great threatening and blessing meteor."[2]

Finally, Bähr says: "The Mosaic religion, from first to last, is ethical, addresses itself exclusively to the will of man, and regards him as a moral being."[3]

§92. Eduard von Hartmann, on the other hand, rejects every sort of theistic

Eduard von Hartmann's criticism of theistic morality.

[1] *Geschichte der Ethik. Darstellung der philosophischen Moral- Staats- und Socialtheorien des Alterthums und der Neuzeit.* Vol. I, *Die Ethik des classischen Alterthums*, p. 114.

[2] *Mythengeschichte*, vol. II, p. 507.

[3] *Symbolik des mosaischen Cultus*, vol. I, p. 37.

morality, and reproaches it with necessarily exerting an immoral influence. The reproach grows out of a purely formalistic mode of thought. To show the fallacy, I transcribe in full what he says upon the subject: "So long as I believe in a theistic God, who created me and the world, and to whom I stand in the relation of a vessel to the potter, I am as naught compared with him, a potsherd in his hand, and my morality cannot go beyond narrow, blind subjection to the omnipotent, sacred will of this transcendental God. In other words, in these circumstances my morality depends upon a command imposed from without, that is, it is perforce heteronomous morality. But genuine morality begins with moral autonomy. However valuable heteronomous morality may be pedagogically in the training of minors, it becomes the antagonist of the only true morality if explicitly substituted for the latter. Now, as theism may not suffer a moral principle

above or beside the Divine Being, theistic morality must necessarily act as an immoral influence with all individuals of sufficient cultivation to have attained the intellectual maturity presupposed by moral autonomy. Certainly the modern man has reached the point at which he consciously holds, that acts which are merely the docile execution of an extraneous will can never lay claim to moral value in the true sense of the word. Moral validity begins with self-determination laying down its own law."[1]

A refutation.

§93. Von Hartmann confounds the autonomy and heteronomy of the moral man with the autonomy and heteronomy of morality itself. The latter is the vital point. Else the autonomy of morality were a pretence or a wholly unjustified exaggeration. Even perfectly autonomous morality cannot be said to *create* the moral law, to *produce* it freely, not to say arbitrarily. It finds the law within itself, and submits to it as to an inner,

[1] See *Selbstzersetzung des Christenthums*, p. 29.

compelling necessity. The moral law is, in short, a categorical imperative, and the categorical has its basis, not in the lawgiver, but in the significance and dignity of the law itself. The true meaning of the autonomy of the moral law is not that man gives it to himself, but that the *moral* man, or the *morality* within him, and it alone, dictates the law. Whoever the lawgiver and whatever the source of knowledge of the law, only the recognition of its worth and dignity determines its morality, its genuinely moral character.

The categorical nature of the moral imperative in the Bible and the Talmud.

§94. The categorical nature of the moral imperative was a familiar aspect to the Rabbinical mind. Its roots run back into the soil of Biblical concepts. To the command concerning the return of lost things, these words are appended: "Thou art not at liberty to withdraw thyself" (לא תוכל להתעלם, Deut. 22:3)—words which add nothing to the meaning proper. What, then, are they intended to convey? Nothing but what

Kant wished to express by his "categorical imperative"—the inner, inevitable necessity whereby the bidding becomes a law.

§95. That the autonomy of the moral law was an idea current among the Rabbis is vouched for by the frequent expression: "These are words of the written law, but if they had not been in writing, they would have had to be written down"; that is, their substance would have been arrived at by man's independent activity, and raised to the status of a law. (Comp. §85.)

Universal equality before the law the principle of the oldest Jewish legislation in contrast with the practice of other ancient nations.

§96. The finest distinction of Kant's formula of the categorical imperative is that it carries with it the absolute universality of law: "Act so that you may desire that the law of your actions may become the law for all." For all in like case, then, one and the same law shall serve as the standard of action. Similarly, it is the characteristic distinction of the most ancient Jewish legislation that one and the same law was laid down for all. Unlike the practice of the

contemporary nations, the principle of absolute equality before the law was proclaimed among the Jews. Not alone the nations that were divided into castes provided a code of law for each, but among all civilized peoples different standards prevailed for different estates and classes. Judaism, however, ordained equality before the law, alike for the members of the nation, for the native, and—this was the crowning distinction—for the alien. With solemn appeal to the "Congregation!" it is enjoined that the principle, "one statute for all," shall endure forever in their generations, "one law and one code," alike for the native and the stranger (Num. 15:15 *seq.*; comp. also Lev. 24:22, and other passages).

Autonomy of the moral law in Onkelos.

§97. Finally, a brief reference to Onkelos' pregnant expression about the autonomy of the moral law is in place here. Though philologically untenable, his translation of the verse Genesis 3:22: "See, man is unique, knowing of himself good

and evil," testifies to the translator's ethical insight.

§98. Thus the Rabbinical attitude proves Von Hartmann's reproach baseless, especially as formulated in the sentence: "As theism may not suffer a moral principle above or beside the Divine Being," etc. The moral principle is, indeed, not above and not beside the Divine Being; it is *in itself*. Precisely for that reason it is at the same time *in God*—in God inasmuch as he is the prototype of morality. To repeat: not because the principle is in God is it the moral principle, but because it is the moral principle, in itself and absolutely, therefore it is necessarily in God.

Von Hartmann's reproach invalidated by the Rabbinical attitude.

§99. In its content, authority, and importance, the moral principle is independent of every sort of dogmatic concept. Its reason and its aim lie within itself. It is autonomous, and this constitutes its dignity. In the Jewish mind sanctity is added to its dignity by the fact that the moral

The principle of morality is autonomous, but its archetype is God.

principle, without suffering change or losing aught of its peculiarity and independence, finds its archetypal expression in God. To recognize and lay hold of the good, without compulsion, without external command, without hope of profit, without any sort of ulterior motive, solely and alone by reason of man's moral nature—that surely is to be autonomous and autonomously moral! If, now, an autonomously moral man recognizes in God the prototype of morality, and endeavors zealously to emulate God, is he therefore less moral or, as Von Hartmann maintains, actually immoral? May not a man imitate a noble pattern? Does he suffer loss of dignity in striving for a sublime ideal? Shall a moral man refrain from learning from the teacher of morality only that he may save the dignity of his autonomy?

Kant's "nature acting with a purpose" and the God idea.

§100. The true meaning of the autonomy of morality appears in Jewish writings, especially those of Rabbinical times, if in

forms different from Kant's, in forms as unmistakable. Kant's ethical inquiries were all directed to the end of preserving intact the dignity of the moral. Proceeding from the great thought that "there is nothing anywhere in the world that may, without reservation, be considered good, except a good will," he shows (in laying the foundation of the doctrine of ethics) that what constitutes the goodness of a good will is not its fitness to accomplish a given purpose, not the satisfaction of some inclination, nothing external, in fact, but solely the character of the will itself. The value of a good will is absolute. "It sparkles like a gem, spontaneously, a thing whose value is wholly intrinsic" (with which comp. Prov. 3:15). A good will is one that submits to the guidance of reason in the fulfilment of duty even when inclination would dictate a different course. The guiding power and creative activity of reason, then, are the producers of a good will,

hence, of all that is truly good. Furthermore, Kant investigates "the purpose of nature in appointing reason as the ruler of the will." He concludes that it was not for the sake of happiness, but "for the far worthier purpose" of producing a will good in itself. This notion of nature's acting with a purpose is, if not mythical, certainly dogmatical, and it is absolutely impossible to show that the idea of *God's* giving reason to man for the guidance of his will is less suitable as a basis of morality than the supposition that *nature* has so endowed him.

Explanation of autonomy.

§101. Though Kant as little as the Rabbis gave adequate expression to it, the vital power in the whole train of ideas is this: Independently of every external force or alien influence, that is, with complete autonomy, the human mind lays down moral laws. Such action comports with its inmost nature, its essence. But this its nature has not developed out of itself; the

mind has not created it. It is the product, not of its own free will, but of an unalterable necessity. The moral law is autonomous, because it originates in the nature of the human mind alone. This autonomy and its value in establishing clearly and firmly the basis of morality are not in the least impaired by the fact that the nature of the human mind is not self-created, that it has neither aided nor hindered its being what it is, namely, the fit and appointed instrument to fashion the moral world.[1]

§102. The sole consideration of importance is, that autonomy implies the absence of every extraneous will in the creation of morality, every external power, every ulterior motive. The moral is to exist for the sake of its morality, the good to comprise within itself its own self-sufficient reason, its value and its dignity. This exalted purity and this dignity of the moral are in-

[1] Comp. the saying of R. Eleazar Hakapar, *Aboth* 4: 29, end.

dependent of every sort of theistic notion, because they spring from the very nature of the human mind. On the other hand, it is folly to suppose that the moral is damaged by the theistic view of life. Whether the Creator of man, that peculiarly organized, rational being which out of itself, autonomously, constructs morality, be called God, or "nature acting with a purpose," or by any other name, in no wise affects the reason of the moral. But the fool who avoids theistic views by supposing himself the creator of his own nature, is the last to whom we may look to fix the basis of the purely moral.

Pure "idealism." Rejection of extraneous motives in Ps. 15 and Ps. 24 as by Kant.

§103. The autonomy of morality, I said, should protect the dignity of the moral by repudiating every extraneous motive. The ultimate reason like the highest aim of the moral should be in itself. Such safeguarding of the immaculate honor of the moral we meet with in the prominent Jewish thinkers of all epochs. The Psalmist, in

the fifteenth and in the twenty-fourth Psalm, enumerates the chief precepts of morality in the shape of an answer to a question—the question as to what is reached by obeying them: "Lord! who may sojourn in thy tent? who may dwell on thy holy mount?" or, "Who shall ascend into the mountain of the Lord? and who shall be able to stand in his holy place?" Here we have figures of speech indicating the aim of moral conduct. By no possibility can they be tortured into meaning: what is useful to man? what contents him? what renders him happy? The poetic questions convey the notion which we to-day should briefly designate by the phrase, "the idealism of life." Holiness and the image of the "mountain of the Lord" imply man's elevation above the low places of life, the upward soaring of the soul from the vulgar and commonplace to the nobility and purity of moral views and conduct. Kant, confining himself entirely within the bounds of

legitimate ethical speculation, spoke of "holiness," and spoke of it, moreover, with the meaning and in the spirit of the Rabbis. He regards a will as "holy" that agrees with the moral law naturally, without having to force aside antagonistic motives whenever it is called into action. Likewise, the promise of the fifteenth Psalm, that he who fulfils all the moral laws enumerated "shall not be moved to eternity," certainly means nothing but moral success: his will shall become constant, unwavering, in Kant's sense, holy.

The Psalmist's ideal purely ethical, free from dogmatic admixture. Likewise that of the Prophets. R. Simlai reduces "the 613 commandments" to a few, fundamental and purely ethical principles.

§104. The eleven precepts of the fifteenth Psalm having been alluded to, it is proper to refer with some degree of emphasis to the following important circumstance: The Psalmist's question is couched in terms belonging to the specifically religious sphere of ideas. His mind is full of dwelling on the holy place, sojourning in the tent of God, ascending the mountain of the Lord, as the noblest aim man can strive for. But in the

answer, in the definition of what leads or appertains to the divine or the sacred, dogmatic religious precepts are not hinted at. Not a word of Sabbaths and holidays, of sacrifices and prayers, of show-threads and phylacteries; strictly moral principles alone are enumerated.

That the same mode of thought appears again and again in Prophetic utterances, that in this respect the Psalmist is but the interpreter of the Prophetical spirit, does not need detailed proof. On the other hand, the well-known and oft-cited passage in *Makkoth*[1] deserves attention as illustrative of the same feature in the Rabbis: "613 laws (commands and prohibitions) are contained in the Mosaic code. David came and reduced them to eleven (those in the fifteenth Psalm; they are quoted in *Makkoth*, and explained[2]). Then came

[1] *Makkoth* 24[a].

[2] The explanation may the more fitly be omitted here as it will have to be considered elsewhere.

Isaiah and reduced them to six (Is. 33:15): 'He that walketh in righteousness, and speaketh uprightly; he that despiseth the gain of oppressions, that shaketh his hands against taking hold of bribes, that stoppeth his ears against hearing of blood, and shutteth his eyes against looking on evil.' Then came Micah and reduced them to three (Micah 6:8): 'He hath told thee, O man, what is good, and what the Lord doth require of thee: nothing but to do justice, and to love kindness, and to walk humbly with thy God.' Again Isaiah reduced them to two (Is. 56:1): 'Keep ye justice, and do equity.' Finally, Amos (5:4: 'Seek ye for me, and ye shall live') and Habakkuk (2:4: 'the righteous liveth in his faith') reduced them to one." What R. Simlai sought and found with David and the Prophets is obvious. He desired to know the basis of the whole of the Mosaic legislation, its principle, the real value and the aim of all its laws. His search was rewarded by

the sentences cited. What they teach was in his eyes equivalent to the sum of all the laws. In the shape in which they formulate the principle tantamount to the whole code, the one that contains its vital kernel, the important thing is that no reference is made to a dogmatic religious ordinance, to any sort of ceremonial law. One and all they exalt commands purely moral to the rank of paramount, all-embracing principles. Not that the Rabbis undervalued the specifically religious commands and the ceremonial practices. They never failed to take account of the inner continuity of the whole Mosaic law. As we saw (in §10), they occasionally expressed this continuity in the phrase that "all other laws depend on" one, say the Sabbath, or the law of the show-threads or of the phylacteries. Here, however, the main purpose being to put into words the nucleus of all laws, their fundamental principle, specifically religious commands were pushed aside, and the ethical

alone was kept in view as the aim of all laws.

"For the sake of Heaven"; "for its own sake."

§105. The demand constantly recurs in the Talmudic writings that each of man's acts and hence his whole conduct shall be "in the name or for the honor of Heaven."[1] Now, whether Heaven be taken as a figure of speech for God or for the sphere of the sublime above and beyond the earthly, in either case the expression conveys the thought that the motive of morality, so far from being anything external or low, should be nothing outside of man's elevation to higher dignity. If, however, connecting human morality with Heaven, that is, with God, negates, as Von Hartmann and his sympathizers imply, the autonomous independence of morality, then I may be permitted to refer to another phrase, occurring with equal frequency in Rabbinical literature, which leaves no doubt as to the fundamental idea. Every command, it is

[1] לשם שמים, as in *Aboth* 2: 2 and 17.

said, should be fulfilled, "in its own name," לשמה, that is, for its own sake; not with a view to promoting or realizing an extraneous purpose, solely for the sake of the dignity of the command itself and by reason of its binding force.[1]

Basis of morality. Man's nature and instincts. Pleasure and pain.

§106. With regard to the basis of morality as viewed by Judaism, one point more must be stated. The reason of morality is furnished by man's nature and by its own. To man is granted liberty to perfect the harmony of these two bases.

Man's acts go back to his original nature and constitution as their last cause.

Activity carried on at the behest of another, mechanical activity as it were, does not enter into consideration. Such activity belies the name, and, like the natural func-

[1]That this is the meaning of לשמה, though it needs no confirmation, appears from the fact that the Rabbis considered practising the good for an ulterior purpose pedagogically useful, hence *permissible*. For instance, devotion to study from ambition develops love of study, and *then* it is prosecuted for its own sake.

tions of our physical organism, is outside of the sphere of the ethical.

Real action has its cause in man's volition. If, as we are in the habit of saying, we resign our will, and execute the will of another, then this very act of renunciation is the expression of our own will. A man may waive the exercise of judgment and decision with regard to the acts he performs. From esteem or reverence, he may exalt another's authority to the rank of his paramount standard. He may renounce investigation and choice. Yet the effective cause of action is himself, his inmost constitution, his modesty, his insufficiency, or lack of energy, his deference to another as the appointing and deciding power. He leaves the *reason* of his action to an outsider; none the less he uses his will, and remains the *cause* of his volition. By the exercise of liberty he relinquishes his liberty.

Even if a man acts under the coercion of brute force or the force of circumstances,

his action nevertheless is rooted in his own disposition. To act, for instance, under the constraint of reward or punishment after all means only to act in hope of a beneficent result or in fear of ill success, and hope and fear alike have their basis in the original instinct to seek the pleasant and salutary, to avoid the painful and deleterious. To be sensible of pleasure and pain, to strive for the one, to flee from the other, is man's nature. Man is a natural being, a link in the chain of natural beings. As such he obeys the law of nature; it lies at the bottom of his volition. Yet his action is the issue from his own nature, his own essence.

Man's spiritual nature and its laws.

§107. At the same time man is a natural being of another sort than those composing the world around him. He leads a predominantly intellectual life. His mind is occupied with matters affecting more than the senses; other joys allure him, other pain affrights him. Pleasure and pain, gratifications and hardships, he meets in the realm

of mind as well as in the realm of nature, but they are of other kind and bearing. Here, too, man seeks the beneficent, and avoids the harmful. He still follows the law of nature, but the laws to which he is subjected are those of his own higher intellectual nature, and pleasure and pain no longer form either the reason or the aim of his activity.

Research and art.

§108. The purpose of intellectual activity, then, goes beyond the gratification of the wants of man's physical organism. Moreover, it is governed by other laws, the recognition and application of which heighten the value of man's life. The sum and substance of all intellectual endeavor is the investigation and knowledge of life, of the real world in which man lives. To comprehend his world, to grasp its peculiarity and its subjection to law, to understand nature and the laws of her endlessly various manifestations, is part of the higher vocation of man. Furthermore, he has to

apply and turn to account the forces of nature, which involves the transforming and refining of her gifts. To this is superadded the free, plastic use of things, increasing their utility, heightening their beauty, transmuting raw material into artistic forms that reflect man's ideal aspirations. In all this activity, beginning with agriculture of the simplest kind, through the multifarious exercise of mechanical and industrial skill, to the supreme creations of art, man encounters laws which he must know, whose authority he must recognize, to which he must pay obedience, in order to reach his aim and be true to his calling.

Beauty and fitness.

§109. In other words, man must heed the laws of logic and of the various provinces of human knowledge, must obey the laws of technic, and must execute the laws of plastic, creative activity, if he would realize the purpose of his intellectual part. The briefest characterization of this purpose is that the mind of man is directed

towards ideas—ideas which it can and should grasp and realize, the ideas of truth, fitness, and beauty. The impulse towards these ideas is, therefore, part of the innermost nature of man. He has had, from the first and always, an interest in the idea of truth as opposed to error, in the idea of fitness as opposed to vanity and ineffectualness, in the idea of the beautiful as opposed to the rude, the vulgar, and the ugly. In Talmudic writings this ideal shaping of life is summed up in the phrase יישוב העולם (civilization), and is accounted the partial task of man's earthly existence.

The notion of the good the highest notion and the final purpose.

§110. All these laws of the mind man must know and obey, these ideas he must grasp and realize, but not for their own sake, not as the final purpose. Like the laws of nature, they have to be pressed into the service of the most sublime law, the supreme idea, the last and true purpose of man's whole being. From out of the bustle of life, natural and intellectual, the in-

stinct towards the good rises aloft. The notion of the good is the only perfect notion, and the law of morality is the highest law. They constitute the ultimate, the true purpose of man; they confer upon him his noblest distinction; they raise him to the dignity of the truly human, a dignity so exalted that he could venture to call it divine and to characterize its ideal as likeness to God.

The notion of morality is the notion of moral society.

§111. But the individual man never stands alone. He finds himself always in the company of others, his mates. As a moral being he may not and should not isolate himself. He who aims to be self-sufficient, who refers all things to himself alone, is not called man.[1] Whatever morality may demand of man, is demanded in the spirit, in the service, and for the purposes, of human society. The notion of morality is at bottom the notion of moral society. Within the Jewish domain ethics is social

[1] *Yebamoth* 63[a].

ethics. When we arrive at the presentation of social ethics, we shall see in what respect and for what reason this is the fundamental view of Judaism.

The impulse towards the good. The feeling of duty the autonomous source of the ethical.

§112. As was said above, the reason of morality lies in the nature of man and in the nature of morality. In the nature of man, for he finds in himself, as an undeniable, inevitable fact, the impulse towards the good. As he cannot fail to distinguish light from darkness, so he draws the distinction between good and bad, and he is as certain of the superiority of the good as of the superiority of light. The peremptory voice of duty, the feeling of obligation, forms, for every human being, the personal reason of morality.[1] For, though moral injunctions reach him from external sources, as the behests of former generations or of present authorities, yet they become law

[1] If this voice is not heeded, if the feeling of obligation is offended by an unlawful act, another equally peremptory voice, the voice of conscience, is raised in accusation of man before himself.

unto him only when he feels their binding force. This, as noted before, is the simple meaning of the Bible verse concerning the Law: "in thy mouth it is, and in thy heart, that thou mayest do it" (Deut. 30:14). A man who obeys a given set of moral injunctions, not from a feeling of duty, but from greed, or fear, or other prudential reason, knows with unerring knowledge that he has not acted as a moral agent.

The feeling of duty, then, is the autonomous source of the ethical. The intention, the will, to live up to this duty, is the good. To obey other impulses, to fulfil other purposes, falls short of being positively moral. But to act in opposition to law, in contradiction to duty, is the bad.

The ideal demand as formulated by Kant, Herbart, Steinthal, Rümelin, etc., shows merely psychologic differences.

§113. The demand made upon man by his spiritual part may be considered, with Kant, an imperative of practical reason; or, with Herbart, an involuntary, necessary judgment; or, with Steinthal, a judgment expressed in the form of (ideal) feeling; or,

with Rümelin, an original instinct; or it may be called by another of the many names with which this chronologically arranged list might be swelled; the difference between any two is psychological, not ethical.

An ethical difference appears only when we come to state the basis of these judgments, feelings, instincts, etc. An utilitarian and no less an evolutionary reason[1] or a trace of eudæmonism nullifies the ethical character of the demand. On the other hand, utility and sensual as well as refined pleasure may yield first place to the demand of the ideal life, no matter in what psychologic form the demand asserts itself.

The ethical a new law differing from the laws of man's physical and intellectual activity.

§114. A complete ethical system cannot, of course, disregard the psychologic conception of moral data. But with respect to the ultimate reason, the primary principle, of morality, one psychologic form

[1] Which can take into account the present state of psychologic knowledge.

comports with the dignity of ethics as well as another.[1]

The important point in connection with the basis of morality is, that by the side of the laws of man's natural life and his intellectual activity, a new order of laws establishes itself in his soul, different from the others and revealing itself as different. The latter laws do not render void the former. Rather do they press the laws of man's physical and intellectual nature into their service, in order to create new forms of existence, call forth peculiar manifestations of life, and bring about acts neither known nor demanded by the constitution of his body and mind.

The will aiming at liberty and legality.

§115. Elsewhere we shall enter into a detailed consideration of the fact that the ethical law involves the freedom of the mental force devoted to its execution, that is, the will. In other words, the liberty of him who is to fulfil it is part and parcel of

[1] See Appendix No. 24, p. 294.

the moral law. Here the statement suffices that the will aiming at once at liberty and legality may be efficacious even in contradiction to natural impulses. If, then, a free will is said to be characteristic of man's nature, the word nature is used in a higher sense.

Morality is man's vocation, his higher nature, and the perfection of life.

§116. From all this we deduce the following as the essential view of Judaism: Morality is its own reason and aim; it is man's vocation and the vocation of all spiritual beings. It may not serve any purpose outside of itself; it is its own purpose, and to all other purposes that man seeks to realize, it assigns their proper value and due proportion. Man's moral nature is the perfection of life, and the crown of spiritual activity is the creation of morality. All intellectual efforts, all research and knowledge, the subduing of nature, the conquests of civilization, the production of works of art and imagination;—they all are tributary to the spirit of morality: "All

the rivers run into the sea, yet the sea is never full." For, greatest of all knowledge of ideas is the knowledge of the idea of the good; most valuable of all conquests of nature is the subjection of the material and spiritual nature of man to the law of morality; noblest of all achievements of civilization and culture is the moulding of character; sublimest of all æsthetic activity is the development of society upon a moral basis and the founding of moral institutions.

Morality in progress. The ideal capable and in need of development.

§117. The moral law possesses this dignity and absolute independence, this autonomy and peremptory force, not in spite but in consequence of the fact that its cognition and execution are subject to development. Mankind, every nation, every individual is dowered with unlimited possibilities of progress. All that is truly ideal is capable and in need of constant development. Of the ability to improve we shall have occasion to speak later on. At present I wish only to point out that when Kant

characterizes progress in "reverence for the law" as "sacred awe changing into love," he is repeating a notion current in Rabbinical literature. The Rabbis frequently refer to the step from the fulfilment of the law "out of fear" (מיראה) to its fulfilment "out of love" (מאהבה)—expressions equivalent to Kant's.[1]

These thoughts (§106-§117) in Biblical and Talmudic writings. Ethical conviction and conduct a peculiar element in the universe, a something genuinely new, making for liberty and progress.

§118. The thoughts expounded in the last twelve paragraphs (§106-§117) recur, in a variety of forms, in the ethical literature of Judaism, particularly in Talmudic writings. It is proper to refer to at least a few pertinent passages as evidences of this highest possible appreciation of morality. Besides, the literary form in which they are couched is interesting. It illustrates the necessity and advantage of scrutinizing the peculiar mode of thought and speech of the Rabbis and penetrating to their true meaning.

That the cycle of moral thoughts does

[1] See Appendix No. 25, p. 294.

not originate in the views and experiences of the material world, that is, cannot be derived from the ideas connected with nature, is expressed (see §15) in a commentary upon the phrase, "there is nothing new under the sun" (Eccles. 1:9): "not under the sun, but above it." That is to say, though new in human experience, no phenomenon can be considered truly new in the economy of nature. Long before our cognizance of it, every phenomenon pre-existed as a possibility in the materials of nature, in her laws of creation and motion. But the phenomena of the moral and spiritual life—ethical conviction and conduct—are arrayed in opposition to the material universe. With their peculiar laws, different from all others, inasmuch as they aim at liberty rather than necessity, they form a completely new element. All that lives and acts under the sun must yield to the law of nature. Knowledge and inventive genius may force her law into the service of chosen

purposes, but the law itself can be neither changed nor extended in scope. Beyond and above nature, however, above her sublimest manifestations, "above the sun," we have the moral order of existence with its laws, whose origin and aim are not implied in the phenomena of nature.

In a theistic form, the vital germ of this notion of the dignity of the ethical idea conquering all the glory and power of the physical world is met in so early a source as the two Isaiahs: "The sun shall not be unto thee any more for a light by day, and for brightness shall the moon not give light unto thee; but the Lord will be unto thee for a light of everlasting, and thy God as thy glory. Thy sun shall not go down any more, and thy moon shall not be withdrawn; for the Lord will be unto thee for a light of everlasting" (Is. 60:19; comp. 30:26). Before the majesty of the ethico-religious conception of God, the brilliancy of the sun and the light of the moon pale;

for it raises man above changeful, deceptive nature, to the heights of the immutable, real notion of morality.

§119. The operation of the moral spirit is looked upon as continuing and supplementing the divine work of creation, as in the following: "He who does a moral deed, as, for instance, the judge who pronounces a righteous judgment, thereby associates himself with God in the work of creation."[1] The universe with its endless array of life-forms, and under the sway of unchanging, definite laws of necessity, reaches perfection only in the presence of the spirit of morality, with its autonomous laws aiming at freedom of will, because based upon it. The economy of the world is not complete until the moral aspect of things is reckoned with at every point.

In allegorical language, the founding of the moral world is regarded as the condition of the continued existence of the ma-

[1] נעשה שותף של הקב"ה במעשה בראשית. See §15.

terial world. "God inverted Mount Sinai like a bowl or a basket over the congregation of Israel, and said: If they accept the Law, well and good; if not, they shall find their grave here."[1] Again, God is said to have made a covenant with the powers of nature when the work of creation was finished. If the children of Israel accepted the Law, these powers were to continue in force; if not, chaos was to be brought back. Obviously, the moral world is here considered the proper object of creation. With it as a component element, the universe has attained the form in which it can execute its purpose. Without the principle of morality, the working of the world-machinery is devoid of a well-defined, recognized purpose. Despite the orderly course of events subject to the laws of nature, it lacks the aim of all movement. Without the crowning consummation in the moral

[1] *Abodah Zarah* 2b and 3.

order, the universe remains purposeless chaos.

Sinai, Israel, and humanity.

§120. The universal character of the ethics of Judaism will be considered in detail further on. One point of the discussion must, however, be anticipated here. Though the above passage relates to the Sinaitic revelation, it applies not to the people of Israel and its moral education alone, but equally to the establishment of morality indirectly for the good of the whole of mankind. To justify this statement I need not resort to the pointed expressions of the later Prophets. In the very narrative of the revelation at Mount Sinai the true meaning of the election of the people of Israel is made plain. In Exodus 19:3, a solemn introduction leads up to the explicit statement in verse 6, "Ye shall be unto me a kingdom of priests and a holy nation," closing as emphatically as it opened. A kingdom of priests! That is the central idea. Israel as a nation shall bear itself

towards the other nations as the priest toward laymen; it shall be teacher and leader. Not for his own sake is the priest invested with dignity and sanctity, but for the sake of his congregation which he is to lead to the living fount of the idea—to God.

The universality of the law in the figurative language of the Rabbis.

§121. The metaphorical language of the Rabbis gives felicitous expression to the same thought, which illumines the Judaism of all times, and endows its prayers with deeper meaning and edifying virtue. God commanded Moses, it says,[1] to write the Law upon the altar, but to write it in each of the seventy languages.[2] That is to say, the Law is to be immortalized in the most sacred place, and in such a way that it may be intelligible to the whole of mankind, since it was given to Israel as the intermediary of humanity.

§122. Finally, to return to the main ques-

[1] *Sotah* 36a.

[2] The list of nations in Genesis 10 gave rise to the notion that only seventy languages are current among men.

tion, the complete independence, the autonomy, of morality, is conveyed clearly by the audacious idea, that as a moral agent, man is his own creator.[1] Inquiry into the "chief good."

From all that has gone before it is obvious that in the statement of the ultimate reason of morality there is no room for the utilitarian principle, whether from the point of view of the individual or of the community. From the oldest times down to the present, the idea of utility obtrudes itself alike in the popular attitude (as expressed in proverbs, etc.) and in the systems of ethics pretending to be scientific. Utility is represented as the purpose of all conduct regulated by moral law, and is therefore considered its true reason. This notion is alien from the spirit of Judaism. Therefore, too, the inquiry into the "chief good," the frequent task of Greek and of modern research, is not Jewish. Rabbinical research on the aim of morality asked, not:

[1] *Tanchuma Ki Tabo; Vayikra Rabbah*, ch. 35.

What is the "chief good" to be obtained by man? but: Which is the proper path, the good path, in which man shall walk?[1] The eye of the thinker was fixed upon the rules, not upon the result, of moral action.[2]

The good things of life a consequence, not the purpose, of moral conduct. R. Simon ben Yochai's characteristic dictum.

§123. Different in form of expression, but essentially (even in methodological respects) the same, this attitude prevails in the search after and in the statement of universal notions comprehending all the phenomena of the moral world. We are taught on what the world (that is, the moral world) stands, "on Law, Worship, and Charity,"[3] and by what it is sustained, "by Truth,

[1] See *Aboth* 2: 1 and 2: 13.

[2] Though Micah's brief but comprehensive exhortation (6: 8), a corner-stone in the edifice of Judaism, proclaims "what is good," it surely is not proper to derive an argument from it with regard to the scientific statement of ethics. Yet there can be no doubt that the sentence, in all its simplicity of form, served to divert the attention of later thinkers from the inquiry into the "chief good," and lead it to the absolute value of moral conduct, since moral conduct alone is called "good."

[3] *Aboth* 1: 2.

Justice, and Peace."[1] The Jewish doctrine of ethics is not a doctrine of material possessions. If the good things of life are referred to—and the Rabbis, as we shall see further on, know their value—they are thought of as advantageous consequences of moral conduct, not as the purpose aimed at, not as the motive. In connection with this, R. Simon ben Yochai's dictum is significant: "Beauty and strength, riches, honor, and wisdom, venerable age and a numerous progeny, are ornaments to the just and ornaments to the world."[2] Literally, they are נָאֶה, beautiful, suitable, becoming to the just, and as the possessions of the just, as the adjuncts of justice, they adorn the world, that is, the moral sphere.

Love of the morally good the ethic of life; all else the technic.

§124. From this it appears that the chief, or to speak more accurately, the only true good is the morally good. Or, from the point of view of man, love of the good, reverence for the law, and, as a consequence

[1] *Aboth* 1: 18. [2] *Aboth* 6: 8.

love of the law, are the possessions for which man should strive. All else that is beneficial, agreeable, useful, and expedient, and hence is called "good," is subordinate and unessential. In a word:

Love of the morally good alone is the ethic of life; all else belongs to the technic of life.

In theistic language, the all-embracing ethic of life is love of God; for God is at once the Good One and the principle of the good. What we can grasp concerning his nature are notions of the good, perfect prototypes of the good. In God they are personal attributes, as virtues should in man become permanent attributes, features of character. Again and again, the question, how can God be loved, is answered: by loving the good. Intimately connected with this thought is the discussion of the relation of man's conduct to its consequences on the one side, and to the absolute dignity of morality on the other.

§125. The Biblical code, the Torah,

threatens punishment for the transgression of commands, and promises reward for their fulfilment. Yet ethical critics go far afield when they deduce therefrom a doctrine of utility as the reason of the moral law.

Reward and punishment not a doctrine of utility.

It must be borne in mind that the Torah is at once a text-book of ethics and a theocratic code.[1] We shall treat later of the ethical teachings and their relation to the doctrine of retribution. As for the laws proper, whether they fall under the head of political, civil, or penal, they one and all are laws of the theocratic state, rules of conduct meet for a theocratically governed people. They are meant to regulate the expressions of the national spirit and to convey to the national consciousness the notions by virtue of which individuals, associations of individuals, families, communities, peoples, society as a whole, join the life

[1] So far as the statement of motives is concerned, there is no division. The ethical and the state laws are simply divine ordinances on the basis of absolute morality.

spiritual to the life material. They assign boundaries to the sporadic, inconstant impulses of man, systematize them, and direct them towards higher aims. To this end the religious feelings are to be cultivated, and the dogmatic notions arising from and corresponding to them are to be preserved and transmitted inviolate to future generations. Though rooted in religious soil, they are treated from the point of view of public law. In this case, law is religion as well, and the religious standard is at the same time the law of the state.

Reward and punishment psychologic means to the fulfilment of the law, not its reasons,

§126. Therefore reward is promised and punishment threatened in connection with the ethical and religious as well as the political and civil laws. Now, does it mean anything to say that reward and punishment, natural consequences of fulfilment and transgression, are the reasons of laws? When the modern state punishes theft, do we call the punishment of the evil-doer the reason of the law? What does the state

teach, demand, or decree, the avoidance of punishment or the equitable treatment of one's neighbor and his property? The threat of punishment and the promise of reward are the psychologic means to secure the fulfilment of laws, never the reasons of the laws. The modern state is in the habit of wording its posters thus: "Forbidden—Penalty $5.00"—no mention of decency, justice, or other moral consideration. Does it follow that the punishment is the principle of the law? The state needs and demands acts, requires that its citizens do or omit to do, and it employs various means, among them punishment, to secure action. But the inner reason why the state asks for deeds, the ethical idea, is not adduced. Nowadays, probably to gain the approbation of the law-making powers, motives are often added to proposed laws, but in the form promulgated laws never contain their motives. In short, a code is not a text-book.

The modern European state rests, on the whole, upon the highest moral principles hitherto known, but it nowhere formulates them in didactic language, in universal, abstract terms. It is a task of peculiar difficulty to discover and state these principles and bring them into such prominence that they become part of the public consciousness, to be applied practically in improved legislation. In recent times jurists and philosophers have devoted themselves to the task, and among the Jews it was the occupation first of the Prophets, later of many a Rabbi. No matter, then, what one may think as to the purpose and meaning of punishment in the doctrine of retribution,[1] it is certain that punishment cannot be regarded as the reason of the law.

nor motives of action.

§127. Biblical language sometimes, it must be conceded, accommodates itself to the simple thought of the populace, which

[1] The Jewish view will be discussed at length in the section on law.

by nature and by nurture has a leaning towards utilitarianism. To urge the practice of the good, a reward is held out; to deter from the bad, punishment is threatened. But so far from constituting reward and punishment the real reasons of the law, the Bible does not even represent them as the real motives dominating the will. "Honor thy father and thy mother that thy days may be prolonged, and that it may go well with thee" (Deut. 5:16; Exod. 20:12), could never be taken to mean: you shall live long, therefore you are to honor father and mother. Rather does it mean: you desire (by nature) to live long; you will attain your ideal by honoring father and mother. Reward is mentioned as a fact of experience, as it were, as a natural consequence. It is not thought of as a motive, certainly not as the sole or ultimate motive.

§128. It was reserved for the schools of the Rabbis to give complete expression

Reward and punishment a pedagogic measure of the Rabbis.

to the meaning and purpose of reward and punishment and to repudiate peremptorily the idea that retribution may constitute the reason of a law or a motive of action.

It cannot be denied that many of the Talmud sages deferred, with too great indulgence, to the naïve simplicity of the people, who value every action according to its success. Thus they were led to dwell upon reward and punishment for the fulfilment and the violation of commands, and represent God's justice as doling out measure for measure. The pedagogic point of view prevailed. The great mass of the people, with their untutored moral sense, required education and development to rise to the level of pure morality, and even when regarded from the heights of the most rigorous moral doctrine, life yields the experience that there is no true happiness, no well-being, etc., without morality. To make it appear, however, that morality is a pre-

requisite, a necessary condition, of happiness, is a concession to man's natural instincts. This is the point of view first of all urged upon individuals occupying a lower plane, to bring home to them the value and significance of morality. The good is recommended by its profitable consequences, the bad is made abhorrent by the evils arising from it. For the object aimed at is to direct the mind to the results of action, and so produce thought, increase the efficacy of conscience, and implant and cultivate an obedient spirit. The point of departure is the familiar psychologic premise that, no matter from what motive the good may be practised, personal experience with the good will induce recognition of its ideal value, and teach that it is to be esteemed and sought for its own sake. "Doing a thing from an extraneous motive leads to doing it for its own sake." [1]

[1] מתוך שלא לשמה בא לשמה. See Appendix No. 26, p. 296.

The Rabbis repudiate all by-purposes in the fulfilment of the law.

§ 129. Pedagogically, then, it may be justifiable to recommend obedience to moral behests on account of the reward gained and the punishment averted. The danger, however, of never getting beyond this conception of the nature of morality is not slight, and from the purely ethical point of view the attitude is reprehensible. But beside the references to reward and punishment in Rabbinical literature stand numerous sayings which repudiate alike the idea that reward is the reason of the law and that it is the motive of its fulfilment, and these sayings were well-known and universally endorsed. The oldest representative of the specifically Rabbinical mode of thought, if not its originator, was Antigonos of Socho, the immediate successor to Simon the Just, and he was the author of the sentence: "Be not like unto servants who serve their master with a view to recompense, but be like unto servants who serve their master without the expectation

of reward, and let the fear of heaven be upon you."[1]

This decided rejection of every by-purpose in the fulfilment of the law is echoed by Rabbi after Rabbi. Take, for instance, the severe condemnation of a low moral ideal by R. Pinchas and R. Simon,[2] or again in *Sifre:* Let none fulfil the law with the idea of receiving a reward or reaping benefit; but "whatever you do, let it be done from love alone."[3]

Reward of one good deed another good deed.

§130. But unconnected sayings are not final. The important consideration is that the Rabbinical view of life as a whole is instinct with the thought that the reward of a good deed is not an external, material, or other sort of natural consequence, but its necessary result—another good deed. As evil, unatoned for, unexpiated, or unfor-

[1] *Aboth* 1: 3.

[2] סימון. *Vayikra Rabbah,* ch. 36.

[3] כל מה שאתם עושים לא תעשו אלא מאהבה. *Sifre Debarim,* §41.

given, must "beget an endless chain of evils," so the true, felicitous result of a good deed, the only result becoming the dignity of morality, is to generate the good, from various psychologic reasons, in its originator or in another individual. This discussion on the reward of the good and the punishment of the bad may fitly be summed up in Ben Azai's saying: "One good deed brings another in its train, as one transgression brings another; for the reward of a good deed is a good deed, and the reward of sin is sin."[1]

Reward and punishment not special acts of interference, but effects subject to law.

§131. It is proper to make mention of what thinkers of profound ethical insight have held in connection with the above and in opposition to the popular view. In their opinion, the regulation of the moral order by means of reward and punishment is not due to a succession of special acts of interference, in the sphere of human life and activity, by the supreme governing power;

[1] *Aboth* 4: 2.

but they conceived it as a general, fixed system subject to ethical law and therefore comparable to the course of events in the material world. R. Eleazar said: "Since the Holy One, blessed be he, has spoken thus ('See, I set before you this day a blessing and a curse, a blessing if ye obey the commandments, and a curse if ye transgress them'), the good and the evil fortunes of men have ceased to issue from the mouth of the Most High. Evil comes of itself upon the evil-doer, and good upon him who doeth the good"[1]—a necessary consequence of the view that the reward of virtue and the punishment of vice are unalterably appointed, and regularly lie within them.

The laws of nature not affected by the moral order of existence.

§132. This leads to the thought, incontrovertible from an ethical point of view and based upon experience, that the world of nature is radically distinct from the moral world. In the natural course of events, the

[1] *Debarim Rabbah*, ch. 4.

one does not encroach upon the other. Only through the mediation of a being like man, part intellectual, part moral, and at the same time endowed with natural powers, the two may overlap each other. To the extent to which he controls the forces of nature and makes them subserve his ends, man, by virtue of his intellect, may of set purpose interfere in the course of natural events with his ethical (moral or immoral) volition. Left to itself, the moral order of existence runs parallel with the law-regulated course of the world. In its sphere the law of nature prevails unhampered and untouched, as the moral law reigns with undisputed authority in its sphere.[1] "Stolen seed sprouts and grows as healthily as seed honestly acquired, provided natural conditions are equally favorable. The child born in sin develops in

[1] A chapter will be devoted to the relation of morality to nature. The above aspect of the relation could not be omitted here in stating the foundation of ethics.

accordance with the laws of nature as well as the child born in lawful wedlock."[1] Events succeed each other in their own fixed way, without regard to man's positively or negatively ethical desire. Error and malice, or intelligence and virtue may, in the one case, abuse the forces of nature, in the other, use them to good advantage, but they cannot change the laws to which the forces of nature are subject. It necessarily follows that natural events and their consequences cannot contain the motives of ethical action, certainly not the reason for the moral law.

Relation of Judaism to eudæmonism.

§133. We have considered two systems of ethics in relation to Judaism: utilitarianism, whose principle is usefulness, and the doctrine based upon reward and punishment (whether they are appointed by a Divine Power, or follow as the natural results of man's actions). Higher than either is the system of morals known as eudæ-

[1] *Abodah Zarah* 54[b].

monism, the system that sets up man's happiness as the goal, and therefore makes it the principle of morality. In view of the historic fact that most ethical systems have had a eudæmonistic character, it is incumbent upon us to state the relation of Judaism to eudæmonism. We may limit ourselves to the consideration of the most essential points, which appear equally in all the various forms eudæmonism has assumed in literature, the more so as Judaism accepts this principle as little as the others.

Explanation of eudæmonism and its tasks.

§ 134. Happiness is the inclusive term for the highest state of well-being, contentment, and enjoyment attainable by man. Therefore, according to eudæmonistic teaching, happiness is the goal of all human effort. However different the inclinations and desires of men, when once they rise above the satisfaction of the lowest needs, they form part of, or are preliminary to, the effort for happiness. This goal is reached by way of morality. Accordingly, ethics

as a theory of happiness has the following tasks:

1. It has to explain wherein happiness consists; for the opinions of men diverge greatly on this subject, and it is the province of science to enlighten them and lead them to an understanding of what is the most perfect and the worthiest state attainable.

2. It is to demonstrate that the highest state can be reached only by morality, that is, by moral cognition, principles, and conduct.

3. Finally and chiefly, it is to state the laws whose execution constitutes morality, and through which happiness is secured.

Its essential basis.

§135. It is proper to admit that eudæmonistic ethics, like the other systems, grants room within its theory to the purest and noblest commands, and, moreover, its principles have been professed by men of the most exalted character. Again, critical study of the history of ethical doctrines re-

veals that the various systems differ from one another, not so much in their concrete content, that is, in what they command to do or to leave undone, as in the primary principle that is held up as the goal of morality.

The essential basis of eudæmonism is this: Every being, at every moment, is in a certain state, relatively better or worse, and his efforts are directed towards the better. Our personal experience vividly illustrates this general statement: man is constantly classifying his condition under well-being or discomfort, perfection or want, enjoyment or discontent. Naturally, then, the desire for satisfaction (and avoidance of the opposite) is the impulse underlying every motion and manifestation of life, and this impulse accompanies all activity incident to the development of our powers and constituting the whole of our career. Then the aim of all effort is the state of perfect well-being, of completest

satisfaction, to which we give the name happiness. Hence the most moral conduct is that which brings about this complete satisfaction. But according to the eudæmonistic theory it is the most moral, because it brings about complete satisfaction, and because it thereby responds best to the natural impulse towards action. The satisfaction of man or his happiness, then, is the reason which renders moral the action calculated to effect his happiness.

Opposition between eudæmonism and Judaism.

§136. On the other hand, we have the view advanced, as was shown above, by the Jewish spirit and Jewish ethics, that the reason and the goal of morality lie within itself. Not a state to be reached, not a good to be won, not an evil to be warded off, is the impelling force, the binding reason of morality, but itself furnishes the creative impulse, the commanding, supreme authority. True, the most moral conduct often affords the highest satisfaction, but not because it confers happiness is it moral;

because it is moral, it confers happiness. The simplest argument in favor of the theory opposed to eudæmonism is the fact that the spirit of morality may demand a course of conduct in contradiction, not only to the desire for satisfaction, but even to the more deep-seated instinct of self-preservation, for it may become a duty to sacrifice one's own life. The sacrifice of one's own life for ethical reasons can in no wise be said to be a satisfaction, but it may certainly be looked upon as an act of highest morality.

Happiness and bliss; this world and the next.

§137. In consideration of many facts, but especially of the above, the eudæmonistic theory steps beyond the boundary of earthly life, and takes refuge in the hereafter, where true, perfect satisfaction, where "bliss" awaits us as the result and object of moral conduct in this life. The position of Judaism, particularly as represented by the Rabbis, with regard to these contradictory principles is clearly laid down in two of R. Jacob's sayings.

"This world," he says, "is the antechamber of the world to come. Prepare thyself in the antechamber that thou mayest be admitted into the banqueting hall,"[1] that is, lead a moral life on earth in order to be worthy and capable of enjoying the bliss of the hereafter. Thus a connection is admitted between life on earth and a future life (of which earlier stages of Jewish thought took little cognizance). Morality here below corresponds to bliss hereafter. The discussion on morality, then, should consider man not as a mortal, but as an immortal being.

The idea of the hereafter inadequately developed.

§138. The notion of the hereafter and of the bliss of the future life, though all higher religions own it, has been but meagrely developed. Later Jewish literature also confines itself to a repudiation of all material forms of life and pleasure in the world to come, and makes no attempt to outline a picture of the spiritual state expected, for, in our ethical survey, we may surely leave

[1] *Aboth* 4: 16 *seq.*

out of account the naïve, childish, or mystic and allegoric ideas cherished by the populace. The lack is comprehensible. We have absolutely no experience regarding the nature and the condition of the soul in a future life. Fancy, though re-enforced by dogma, requires living sources of knowledge. In this case, it is and always has been limited to idealizing inferences and idealistic suppositions based upon spiritual living in this world.[1]

A critical point: the philosophy of the individual and of society. Valuation of bliss and of morality.

§139. It is necessary to touch, however lightly, upon an ethically weak point in even the purest and loftiest of the accepted ideas concerning the bliss of the future life.

All the speculations on the life hereafter take into account only the individual, but in the morality of this world society occupies the place of chief consideration. As

[1] Even so sober a thinker and logical a psychologist as Herbart indulges in them. See *Lehrbuch der Psychologie; Gesammelte Werke*, vol v, §§ 246-252, p. 171 *seq.* [*A Text-Book in Psychology;* trl. by Margaret K. Smith, p. 197.]

was pointed out above, and as we shall see later on more in detail, ethics is, if not wholly, at all events pre-eminently social ethics. The dogma of the hereafter is based solely upon a philosophy of the ego, but true recognition of man's destiny in this world can be reached only on the basis of a social philosophy. The same R. Jacob who regarded this world as the antechamber of the next gave strikingly clear and precise expression to the position of Judaism in the question concerning the fitness of eudæmonism to serve as the first principle of ethics. He indicates the relative value of happiness in this life and the bliss of the future life, and at the same time the exalted value and supreme dignity attaching to moral conduct. The real meaning of his words lies in this, that by the manner of the comparison of temporal happiness with eternal bliss he forces into prominence the idea that the value of morality is not comparable with anything else. His

words are: "Better[1] is one hour of bliss in the world to come than all the life (which includes happiness) of this world; but better is one hour of repentance and good works in this world than all the life of the world to come."[2]

[1] The word used is יפה, that is, more beautiful, which shows that the author was familiar with Hellenic culture and mode of speech. That the same is true of the author of Ecclesiastes is evident from Eccles. 5: 17, where the association of the good with the beautiful, "the good which is comely," is an unmistakable suggestion of the Greek καλοκἀγαθός (the spiritually beautiful).

[2] *Aboth* 4: 17 *seq.*

CHAPTER III

The Character of Jewish Ethics

§140. Though its first appeal was to the nation whose language it spoke, yet the ethics of Judaism, even in its oldest form, was pre-eminently social. In its essentials, in its fundamental thought defining the reason and aim of morality, it was not national, but universal ethics. In other words, moral knowledge was not held to have been created for Israel alone; it was for the world at large. The ideals of correct conduct were proclaimed, not only for the members of the race in the midst of which they were conceived, but for the whole of mankind. That mankind may unite in the effort to grasp and realize these ideals is the burden of the most important prayers, the object of the unstilled longing, of the ever-renewed hope of all noble souls.

The ethics of Judaism universal, not national.

The theory of life a unit.

§141. Among the Jews, more than among other nations, the tendency of thought is towards complete, all-inclusive unity. This aiming at a unified theory embracing all that can occupy the mind of man has been visited with censure,[1] but the Jewish nation need not be disturbed about it. The results of this unified theory of life in refining and deepening the ethical ideal are undeniably great; it raises the moral spirit to its meridian height, whence it scatters all the shadows that gather beneath. The most

[1] Renan in his earlier writings (1859). Many, even in Germany, echoed his opinions. He himself rose to a more liberal as well as profounder view. See Steinthal, *Zur Charakteristik der semitischen Völker* in vol. 1 of the *Zeitschrift für Völkerpsychologie und Sprachwissenschaft*, pp. 328-345 (evoked by Renan's *Nouvelles considérations sur le caractére général des peuples sémitiques et en particulier sur leur tendance au monothéisme*). On the other hand, comp. Renan's writings, 1882-83: *Le Judaïsme et le Christianisme*, and *Le Judaïsme comme race et comme religion*. Also, *Judenthum und Christenthum und ihre Zukunft*, by Dr. Albert Friedrich Berner, Privy Councillor of Justice, professor at the University of Berlin. Leipsic, 1891. pp. 8-15.

beneficent effect of the tendency towards unity is visible in the cognition of the oneness of God, the oneness of the world, and the oneness of humanity.

Oneness and universality of the God idea.

§142. We are here not concerned with the theologic and the inestimable religious importance of the cognition of God's oneness. It suffices to point out the fact that deities, with opposite attributes, ruling at the same time over adjacent spheres and after each other over the same, are not divine. The true God idea becomes possible only with the cognition of absolute unity. When different peoples own different gods, each is necessarily the god of his people, a national god. God acknowledged as One, beside whom there is no other, cannot be national. With the growth of knowledge, with the deepening of the religious idea, national limitations drop away from the concept of God. A spiritual attainment can be reached only by many efforts, with gradual advances, and after fre-

quent lapses. So the God idea as conceived by the Jewish race had a long, vicissitudinous history of spiritual striving and passionate conflict, until, purged of all earthly dross in the flaming hearts of the Prophets, and liberated from the inherited shackles of thought, it so illumined, with its purity and sublimity, the soul of the Jewish people that Israel was fitted to become a "light of the nations" (Is. 42:6). Israel at this height did not acknowledge a God of its own, but it acknowledged the God of the whole world and of all peoples as its own; and to the other nations it brought not its own, but their own God. It revealed God to them as the One and as the God of all, because it had found him within itself and itself in him.

Thence the notion of the unity of the world.

§143. Nature as a whole can likewise be comprehended only in her unity. So long as her various phenomena, her formations, and her forces are conceived as gods, distinct entities, as in the heathen myths,

there can be no notion of the world in its totality, of the universe. It may be asserted as a fact, that out of the notion of God as the One and the creator of all things in nature the notion of one universe gradually developed. Without reference to religious concepts, compelled by the logic of the notion of God's oneness, the notion of world-oneness emerges; intellect grows, man's horizon widens, insight becomes keener, barriers fall, divisions cease. Accordingly, monotheists of earliest times—Melchizedek in blessing Abraham, Moses in his farewell song, and Isaiah in his great denunciatory address—call heaven to witness together with earth, and the Psalmists' descriptions of the universe are unequaled for grandeur and unity.[1]

Unity of mankind as an ethical idea among the Rabbis. Akiba and Ben Azai.

§144. God is the creator, not only of nature, but of man, of all men. All are descendants of a single couple created by God.

[1] Comp. Alexander v. Humboldt, *Kosmos*, vol. II, p. 45 *seq.*

This thought the Rabbis turned to ethical use. The unity of mankind is considered by them from various points of view: it is seen and proclaimed to be an idea fraught with ethical consequences; but at the same time, they recognize clearly that, though stated from the first as a simple fact, it involves moral requirements, promises, and hopes, which only the future can and shall fulfil. Akiba designated the injunction, "Love thy neighbor as thyself" (Lev. 19:18) as the fundamental principle of the code. Ben Azai maintained that the sentence, "This is the book of the generations of man" (Gen. 5:1), contains a more comprehensive principle. The words, "of man," mean all men in their unity and equality, for, as the same verse continues, all are created "in the likeness of God." [1]

§145. Keeping pace with the universal

[1] See *Sifra Kedoshim*, ch. 4; Jerusalem *Nedarim* 9:3. So early an authority as Abraham ibn Daud gives this reason for Ben Azai's opinion. See Appendix No. 27, p. 301.

theory of life, primary ethical principles developed within Judaism, and produced a conception of the history of mankind, at once suggestive and beneficent, that broke through the barriers of nationality. We shall see how, from the unity of mankind, the equality of all nations was deduced, and furthermore, within the ranks of each nation, the equality of all its members. One law for all—no hereditary privileges for the one or the other estate or family. A doctrine of ethics with aristocratic leanings could obtain no prevalence. The injunctions in Proverbs, the philosophic reflections in Ecclesiastes, the problem of life in Job, are all stated in broadly human terms; the author's race is never mentioned. Again, the Prophet (*e. g.* Micah. 6:8), when he formulates the requirements of the idea in the name of God, addresses man (אדם); the Psalmist's fundamental doctrines (Ps. 15) are of universally human bearing; and, finally, the same liberality and elevation of

Unity and equality. The universally human.

thought characterize the fundamental works of the Rabbinical period. In the Mishnah, for instance, in the *Ethics of the Fathers*,[1] all admonitions are addressed to "man."

The establishment of the moral world the calling of every nation and of every member of the nation, from the "Elders" to the hewers of wood and drawers of water.

§146. For, the primary principle of Judaism, as conceived alike by Prophet and Rabbi, is this: In contrast with the ordinary life of man, built up on the basis of natural conditions and natural instincts, a new inner world is demanded, a spiritual and moral order of existence, leading necessarily to the spiritual union of all. The whole of mankind is called to co-operate in the establishment of the moral order, in the moulding of the world of ideas, and their realization in actual life.

In the first place, every member of Israel's communion, without distinction or exception owes this duty. In Deuteronomy (29:9 *seq.*) all are addressed: the captains, the tribes, the elders, and the officers,

[1] Especially the earlier chapters, which are the older ones.

all the men of Israel, with their little ones, their wives, and the stranger in the camp, even the lowliest in rank and occupation, the very hewers of wood and drawers of water—all are to be united with one another by the bond of a common calling. They are to be constituted a "people" (לעם from עמם, "to connect," "to unite"; 29:12), they together with their descendants of later generations (vv. 13 and 14). The members of a generation and their posterity, those present and the absent, the living and those yet unborn, all together work at the same, at a common vocation. Deuteronomy 29:29 also points to the future: "The secret things belong to the Lord our God, but those things which are revealed belong unto us and our children forever."[1] The developments of the idea that are still hidden have no binding force; like all undiscovered truth they lie in the

[1] It is remarkable that עד עולם does not appear in Mendelssohn's translation.

bosom of God. But what has been revealed, what has become part of any individual's moral consciousness, and has passed into the state of moral cognition, is binding for all times, and rests as a duty upon mankind, rank and file.[1]

The "stranger." His rights rest on religious grounds.

§147. The stranger is mentioned above, in the passage from Deuteronomy, as a matter of course, along with the other classes of the people. If he has the opportunity to acquire ethical knowledge and experience, he is not only entitled, but called upon to enter into the ethical communion. This relation of the stranger to moral law and order is plainly stated in many passages in the code. The following offers no possibility of misconstruction: "O Congregation! one ordinance shall be for you and also for the stranger that sojourneth with you, an ordinance forever in your generations: as ye are, so shall the stranger be before the Lord. One law and

[1] See Rashi on this passage.

one manner shall be for you, and for the stranger that sojourneth with you" (Num. 15:15 *seq.*). In connection with this take Numbers 9:14, and with regard to civil rights, Leviticus 24:22, where it is said: "Ye shall have one manner of law as well for the stranger as for one of your own country." The end of the verse, "for I am the Lord your God," puts the civil statute upon a religious basis. In a word, before God there is no such thing as a "stranger."

Universal character of the ideal visions of the Prophets.

§148. The fate of the Israelitish people and the conduct of the surrounding heathen, especially their idolatry and its immoral practices, had necessitated laying stress upon national segregation. But the ideal visions of the future conceived by the most exalted of the Prophets were luminous and forcible in conveying the universality of their point of view. Jeremiah who, in telling of his call, describes himself as a Prophet, not unto Israel alone, but

" unto the nations " (Jer. 1 : 5), proclaims a new covenant, to be " written in the inward parts and in the hearts," instead of the old one based upon exclusively national events (Jer. 31 : 30-32). He thus derived the ethical task from human nature, from the notion innate in man. With prophetic vision, the second Isaiah foretold that in the future even the specifically religious vocation will be espoused equally by all peoples. " Keep ye judgment, and do justice: for my salvation is near to come, and my righteousness to be revealed. Blessed is the man (אנוש) that doeth this, and the son of man (בן אדם) that layeth hold on it. Neither let the son of the stranger, that hath joined himself to the Lord, speak, saying, The Lord will utterly separate me from his people . . . Also the sons of the stranger . . . will I bring to my holy mountain, and make them joyful in my house of prayer . . . for mine house shall be called a house of prayer for all nations " (Is. 56:1-7). " And I will

also take of them for priests and for Levites . . . From one new moon to another, and from one sabbath to another, shall *all flesh* come to worship before (me, saith) the Lord" (Is. 66: 21, 23).

As Renan remarks, Israel dreams "of a happy future for mankind, a perfect kingdom, whose head shall be in Jerusalem, whither all nations will stream to pay homage to the Eternal. It is obvious that such a religion has gone beyond the bounds of nationality. Doubtless there is at bottom some national pride. What historical work is free from it? But the idea is universal to the last degree."

Universality of the Talmudic writings.

§149. In Talmudic literature this thought finds confirmation, and is made still more explicit. The moral world is there represented as essentially a world of the spirit, growing out of human nature and looking to its ennoblement. Therefore the moral requirement is absolutely universal. With reference to the words from Isaiah last

quoted, it is said that "all Palestine shall be as Jerusalem and all countries as Palestine."[1] And the verse, "Let not the son of the stranger say, The Lord will separate me from his people," is brought into connection with Job's words, which are ascribed to God, "The stranger did not lodge in the street, I opened my doors to the wanderer." The explanation is added, that "God rejects none of his creatures, he receives all: the gates are always open; whoever will, may enter."[2]

Universality of the moral law and of its aims. Examples.

§150. The lesson, that the capacity for moral elevation and its highest possible

[1] *Pesikta Rabbati*, 1. Despite their awkward, allegoric, often childish form, such sentences as the above reveal the elevation and grandeur of Agadic thought. The passage goes on to say, that "on every Sabbath and every new moon the clouds will carry all worshipers to Jerusalem and back again, each to his home." This figure of speech is obviously meant to indicate the harmony existing between the peculiar, the nationally distinctive in the civilization of every people, and the moral convictions and religious knowledge present in the consciousness of all.

[2] *Shemoth Rabbah*, ch. 19.

goal are absolutely the same in and for the non-Jew as in and for the Jew, is conveyed not only in figurative language, but also in direct, clear statements frequently repeated. From the recurrence, in the code and in the Prophets, of the sentiment, "This is the law, the statute, etc., according to which *man* shall live"—*man*, not priest, not Levite, not Israelite—the inference is drawn that the non-Jew, if he obeys the Law, "is equal to the high priest." Not descent is the determining factor; the impulse towards the ideal alone decides. Any human being can attain to the moral worth and dignity befitting the high priest in Israel. The passages are legion in which the doctrine of the universality of man's moral vocation is laid down.[1] A passage in *Sifra*[2] deserves special mention, because the reference in it to the universality of the moral law is particularly pointed. Besides

[1] *Baba Kamma* 38[a]; *Sanhedrin* 59[a].
[2] *Sifra Achare Moth*, ch. 13.

the above, other Biblical expressions are adduced for the purpose of demonstrating their universal application: "Open ye the gates, that the righteous nation which keepeth the truth may enter in" (Is. 26: 2) —not the people of Israel, but the righteous people, any people among whom righteousness resides. Again, the words: "This is the gate of the Lord into which the righteous shall enter" (Ps. 118: 20)—not priests, Levites, or Israelites, but the righteous, though they be non-Jews. Finally, "Rejoice in the Lord, O ye righteous" (Ps. 33: 1)—the righteous, alike whether Jews or non-Jews.

Israel, then, was specially called unto moral purity and elevation, not on account of its blood, not by reason of superior qualities, inherited or innate, but because, after having acquired political liberty through the guidance of God and under the leadership of Moses, it was to strive for the inner liberty which manifests itself as

obedience to divine law and the ideal requirement.

§151. But the purpose of divine legislation—so the Rabbis teach explicitly—and of Israel's election is not confined to Israel; it is realizable only through the whole of mankind. "God gave Israel the Law that all nations may be rendered happy by it."[1] The discussion of the law of loans is typical of the universality of the Rabbis, of their rejection of all national limitations. The text reads: "If thou lend money to any of my people" (Exod. 22:24), and the commentary says: Israel asks God: "Who are 'my people'?" and God replies: "The poor."[2]

The purpose of divine legislation realizable only through the whole of mankind.

§152. The discussions growing out of the phrase, "Ye are the children of God," clearly demonstrate the fundamental character of the doctrine of the universality of the ethical vocation. To be called children of God is the highest patent of nobility.

Rabbinical controversy concerning man's filial relation to God

[1] *Tanchuma Debarim.* [2] *Shemoth Rabbah,* ch. 31.

In explaining the Scriptural sentence (Deut. 14:1): "Ye are the children of the Lord your God," R. Abba bar Cahana asks the question, "When are you his children?" and answers, "When you are God's, that is, when you belong to God and obey him, and devote yourselves to him."[1] His intention here is not to impose a limitation upon or give a national meaning to the accepted fact of God's universal fatherhood. That this is aside from his purpose is apparent from the intimate connection of the passage with the previous one. The verse, "My son, if thou wilt receive my words" (Prov. 2:1) is explained thus: "When art thou called my son? When thou receivest my teaching." It is obvious, then, that the real meaning of the limitation is, that as in the natural relation between child and father, we are truly children of God only through our devotion, only if we give ourselves wholly to God.

[1] *Tanchuma Ekeb.*

This idea comes out still more plainly in a number of parallel passages. R. Jehudah says, for instance: "You are children of God when you conduct yourselves as such."[1] This explanation is entirely free from invidious distinctions; its limitations depend upon moral facts. Yet his opponent, R. Meïr, presents an even broader, profounder view, the one held by the majority of the Rabbis. He says: "In the one as in the other case, whether they do or do not conduct themselves as such, they are and remain the children of God." The full and true idea of man's filial relation to God is here based upon the unalterable fact that all men are God's creatures and the equally unalterable fact of God's all-embracing and unchanging mercy.

R. Nechuniah ben Hakanah's exegesis.

§153. According to Rabbinical teaching, the path to salvation in this world and to bliss in the next is open to all men. Religious observances, the Temple, the sacri-

[1] *Kiddushin* 36ª.

ficial service, are not indispensable conditions of the attainment of the goal. Moral purity and a loving heart are the only requirements. In discussing the latter part of the verse Proverbs 14:34: "the kindness of the nations is sin" (חסד לאומים חטאת), certain of the Rabbis sought to justify an interpretation which accords with the view of St. Augustine, that the virtues of the heathen are but splendid vices (*splendida vitia*). R. Nechuniah ben Hakanah found an altogether different and a beautiful explanation of the obscure passage, one moreover that received the endorsement of no less an authority than R. Jochanan ben Zakkai.[1] He held that "the love and merciful deeds of the heathen are elements of atonement and expiation, as the sin-offering had previously been for Israel."[2] R. Jochanan himself had tried to assuage Israel's grief over the loss of the altar with

[1] See Appendix (to §50) No. 11, p. 266.
[2] *Baba Bathra* 10b.

the consolation that only after its destruction complete fulfilment of the divine sentence: "Love I desire, and not sacrifice" (Hos. 6:6), was possible.[1]

§154. The idealism of the heathen, as we saw above, is accounted equal to that of the high priest. Furthermore, we are taught without reservation, "Whoever rejects idolatry (denies it, turns from it), is called Yehudi."[2] Not birth makes one a Yehudi, but the repudiation of idolatry. And a man's ideal worth being independent of race and creed, the next doctrine follows naturally: The pious of all nations have a share in the world to come.[3]

The idealism of the heathen accounted equal to that of the high priest.

§155. According to Rabbinical views, then, the spiritual and moral heights within man's reach are in no wise affected by de-

Moses and Balaam.

[1] Appendix No. 28, p. 301.

[2] *Megillah* 13ª.

[3] *Sanhedrin* 105ª. חסידים cannot be translated more aptly than by "the ideally inclined," and "having a share in the world to come" is the stock expression for the bliss of the future life.

scent or religious profession. To the ideal, to spiritual attainments, to ethical convictions, an immeasurably loftier place is assigned than to birth, race, or blood. The highest round of the moral ladder to which man and the Israelite can mount is that occupied by the Prophets. Among the Prophets Moses is regarded as the most exalted. Nevertheless it is said: When we read in the Scriptures (Deut. 34:10) that "no Prophet will arise in Israel like unto Moses," the meaning is: in Israel none will arise, but among other nations there will be one. And what non-Jewish Prophet was the peer of Moses? Balaam.[1]

Proselytes heroes of the Jews.

§156. That it was absolutely foreign to Jewish standards to make man's dignity and worth dependent upon accidental circumstances, especially upon descent, is evident from the traditions, that many of the spiritual heroes of the Jews sprang from proselyte stock, or themselves were proselytes.

[1] *Bemidbar Rabbah*, ch. 14.

The reader of the Scriptures remembers that David, the popular hero, who stood as the type of mundane glory combined with religious elevation, David, the anointed, victorious king and Psalmist, was descended from Ruth the Moabitess. To prove the statement that "God loveth the stranger" (Deut. 10:18), the Rabbis adduce that God blessed Ruth, the woman of a strange people, by making her the ancestress of David whose songs of praise exalted the majesty of God among men. The artist called in by Solomon to assist him in the building of the Temple came on his father's side from non-Jewish stock (I Kings 7:14). According to a common tradition, the teachers Shemaiah and Abtalion, the predecessors of Hillel the Elder, were proselytes. Likewise Onkelos,[1] to

[1] Was the translator of the Targum named Onkelos or Akylas? Did both Onkelos and Akylas make translations? Into Greek or into Aramaic? Not one of these questions has been finally answered by scholars. See M. Friedmann, *Onkelos und Akylas,*

whom tradition attributes the translation of the Pentateuch into Aramaic. The same is said of prominent Talmud teachers, such as R. Akiba, and still more positively of R. Meïr. If it came about later that Jews, especially those affiliated with the Rabbinical academies, entertained objections to proselytes and a violent aversion to proselytism, it was due to the complex motives that led to change of faith, and that grew out of historical events as well as psychologic facts.[1] As the outcome of the animated discussion of this point we may consider the commonly accepted view, that the non-Jew has no need to become a convert to Judaism. Either he lives in accordance with moral principles, in which case he can dispense with creed, or he is lacking in purity and elevation of moral conviction, which cannot be replaced by creed. This

Vienna, 1896. The only undisputed point is that both were proselytes.

[1] See among other passages *Yebamoth* 47b.

attitude, however, as we saw before (§86), never prevented Jewish leaders from recognizing the superiority of voluntary acceptance of the Law over inherited responsibility. In any event, the hesitation to sue for converts does not arise from any sort of particularism nor from the presumption that non-Jews are insufficiently endowed to become Jews.

Particularism and universalism.

§157. It must none the less be accepted as an historic fact that Judaism, especially in the province of the specifically religious, has from the first harbored two distinct tendencies, which may be briefly characterized as the national-particularistic and the humane-universal. The two tendencies existed simultaneously in open opposition to each other, or succeeded each other, the tendency favored by circumstances prevailing over the less favored. The one considers all details handed down by tradition and incorporated in Judaism as of uniform importance. From this particular-

istic point of view, deviation from foreign standards, rejection of all foreign elements, is of the essence of Judaism, and the Jew is under obligation to separate himself from the alien. Therefore, there has been no lack of laws, of prohibitions in particular, calculated to render difficult and to restrict intercourse with the non-Jew.

The other line of thought distinguishes, within Judaism, between a kernel of essentials and the husk which is of incidental importance only. The kernel of Judaism is at the same time the aim of human development in general. Completely expressed, it is the ideal at once of the Jew and of the whole of mankind, and the highest promise and tenderest hope held out by Judaism is that all nations may unite in the common effort to approach its realization. The body of moral doctrines together with the fundamental religious thought of the oneness of God constitutes this kernel of Judaism. To implant in mankind and to cher-

ish pure, earnest knowledge of God is the essential content of Judaism. Therefore, intercourse between Jews and non-Jews should be as ideal, as flawless morally, as gentle, cordial, and loving as possible, for this path leads to the goal at once of humanity and of Judaism.

§158. We have nothing to do here with the history of the conflict between the two tendencies—a conflict which continues to rage to this day, and to-day rages as bitterly as ever. On the other hand, we are concerned in disengaging from the opposition of ideas the ethical principle of Judaism, which manifests itself even in the conflict, and in establishing that it is held to be essentially the same by the partisans of both sides. Isolated, accidental expressions are unavailing in such inquiries. The final solution must be abstracted from a variety of opinions acting upon and influencing one another. Then it will appear that the two tendencies differ not so much ethically

A psychologic-subjective, not an ethic-objective difference.

as psychologically. Their opposition is not objective, as though its reason lay in the doctrine itself; it is subjective, due to the agents. The ethical teaching undergoes no change, but characters develop variously. In the theory of the two parties the goal of mankind is the same; they disagree only upon practical means and the attitude of the Jew at a given moment.

Israel's particularism tended towards the realization of the universal ideal.

§159. The particularism of the earliest period, Israel's conscious purpose to separate itself from the other nations, needs no discussion. The fact and its reason and justness are alike patent. All nations were particularistic. In their relation to one another, they realized only the difference existing among them, if, indeed, they heeded one another at all. They certainly did not regard one another as equals. It was part of Jewish particularism that the soul of the people was filled with the universal ideal, with the promise, the hope, the requirement

that mankind be a unit in its highest goal.[1] Ethically this was the point of sharpest contrast between Jews and their neighbors, the radical, distinctive quality which constituted their superiority over the others. To cultivate this quality, to make it effective, Israel had to segregate itself. In a word, Israel had to be particularistic in order to formulate and hold up the universal ideal.

Later and contemporaneous particularism, if less consciously, strives for the same aim.

§ 160. Later representatives of particularism and those of to-day are not conscious of this deep-seated reason, yet it continues in force. Men of limited understanding do not look beyond the immediate result of daily practices and traditional usages. They

[1] "Neither the literature of Oriental nor that of classical nations," says August Wünsche, "can show a parallel to this result of world-evolution. The great Plato did, indeed, outline an ideal state in his *Republic*, but it lacks the Old Testament idea of universality. In Plato's universal state, Greeks are arrayed against non-Greeks in constant warfare; war is one of the necessary evils." (*Die Freude in den Schriften des alten Bundes*, p. 26.)

do not discern the real value of their own loyalty and law-abiding nature. Their faith is better than they know; their achievement in its effect upon the future nobler and more important than their present conviction. For even the advocate of the universal ideal admits, that the inexorableness of the Law, the rigor of tradition, was the protecting shell that preserved intact the delicate kernel of essential ideas. To this day every peculiar development of thought or form of conduct (customs, ceremonies, usages) has its definite value, though from the higher point of view it may no longer be considered an absolute duty, a binding law, or the condition of salvation. Nothing more than symbolic meaning is ascribed to it.

Contrasts and points of agreement in the two tendencies.

§161. Again, the straightest particularists do not contradict the words of the Prophets. The two tendencies are agreed as to the ethical goal, the moral ideas of the future, only the one is more, the other less,

conscious of the final aim. The particularists are realists, thinking of the present alone; the exponents of the universal ideal at the same time consider the future. The former reckon with human nature, with the average computed according to psychologic probabilities, and fear loss of individuality and energy; the latter concern themselves with the ethical task, and stake their hope on the power of the idea. Certain it is that the leading ideas of both rest on an ethical basis, that both therefore are justified. It was admitted above (§57) that justice and mercy, tradition and reason, etc., are contrasts, both terms of which originate equally in ideal impulses, equally make for ideal aims. To discover for a given time and for given circumstances the proper measure of justification and application of the one or the other motive is, in fact, the task of all historical movement and conduct, in whose accomplishment, as a rule, the genius of an epoch or of an individual reveals itself.

Additional points of contrast.

§162. There are still other points of contrast involved in the opposition between the two tendencies. They take different ground on such questions as whether the obligation to obey the Mosaic law rests upon Israel alone or upon all men acquainted with it. This leads to the larger question whether the reason for the fulfilment of the Law lies in its content, or in the purely external obligation imposed by the authority of the lawgiver, that is, in the fact of revelation. Furthermore, what ranks higher, traditional obligation or free subjection to the Law; its fulfilment because it is commanded, or by reason of voluntary assent?[1]

[1] A point that will be discussed later on. This is not the place, and in the present state of science and of Judaism it is not necessary, to dwell at length upon Mendelssohn's view as expressed in his "Jerusalem," in many other respects a work of merit, and show that it is narrowly rationalistic. It harmonizes neither with Talmudic tradition in its broadest features, nor with a lofty, liberal conception of the law, least of all with historical knowledge. (Comp. §§ 86 and 156.)

§163. Over and beyond all this opposition we reach what concerns us most closely, the thought, belonging to all parties in Judaism, that the same ethical obligation, the same promise of equality, the same ideal hope exists for all men alike. The universal principle asserts its full force even where the phrase has a particularistic coloring. For instance, it is said: "The Jews have three characteristic qualities: they are merciful, chaste, and charitable,"[1] but the sentence is added: "Every human being that possesses these three qualities is worthy of being united with (that is, counted among) the Jewish people."[2] Even the decidedly particularistic doctrine of the seven commands said to have been binding upon the sons of Noah, that is, upon mankind before[3] the Mosaic revelation, comprises the

The universal principle in particularistic passages. The Noachian laws.

[1] The first, רחמן, expresses the feeling; גומל חסד, the act.

[2] *Yebamoth* 79ª.

[3] This gives no clue to the solution of the question, whether the obligation of non-Jews is confined to

fundamentals of all moral conduct. Beginning with "law" as the basis, they proceed to avoidance of idolatry and blasphemy (? ברכת השם). Chastity is demanded, and regard for the person and property of one's neighbor. Savagery and bestiality are condemned,[1] and mild treatment of animals is prescribed. It is explicitly stated: "In moral questions the Jew and the non-Jew stand under the same law."[2]

But it is characteristic that in these supposed Noachian laws no mention is made of altruistic virtues, of charity and love, which are considered of the essence of the Jewish code. Similarly, the well-known four virtues of the Greeks, courage, wis-

the fulfilment of these seven commands after the revelation of the Mosaic law. The use of the more specific בני נח ("sons of Noah"), instead of the customary אומות העולם ("nations of the world"), would seem to indicate a difference dependent upon time. The meaning of ברכת is dubious.

[1] In the expression אבר מן החי, "a limb from the living animal."

[2] *Sifra Achare Moth*, ch. 13.

dom, caution or moderation, and justice, neither include nor imply anything akin to benevolence or brotherly love.

The ethical principle should be independent of practice and experience.

§164. Man's ethical relation towards his fellow, when it comes to be actualized in deeds, depends upon or expresses itself in the sympathy he expends upon persons or events. Experience shows that sympathy decreases with the distance of its object. A psychologic law of diminishing sympathy may absolutely be assumed. The further removed a person or an event is from us in space, in time, or in any other respect, as, for instance, descent, occupation, aims, fortune, and history, the less active is our sympathy. A conflagration affects us variously, according as it took place in the street next to ours, in a neighboring town, in an adjacent country, on another continent, and according as it took place yesterday, or a year ago, or a thousand years ago. At the same time it must be remembered that this law of psychologic experience can

be overborne by ideal, often imponderable elements. A distinguished personage, an historical event, may make a profound impression upon us, even though distant from us in time and space. It is not necessary here to expatiate upon this thought and apply it to the ethical code. When we come to the exposition of the social doctrine of Jewish ethics, we shall see how the general ethical requirement accommodates itself to the particular, accidental fact;[1] how the laws of ideality harmonize with those of the actual world; how conflicts and collisions may be avoided.

Our present concern is to establish, that the ethical principle may not be made to depend upon practice, upon mere experience, upon knowledge of its past exempli-

[1] That a man is born at a given place, into a given family, belongs to them, to his city, his state, his generation, etc., and thus seems to have had a distinct and limited sphere of duties assigned to him, or happens to have been put into relation with a particular set of persons. (Comp. Aben Ezra on Lev. 25:35, concerning the word עמך.)

fications; that the ethical principle, the fundamental moral doctrine, must predominate and lay down the law; and, lastly, that it has always occupied this supreme place in the ethics of Judaism.

The elevation of a system of ethics determined by the sphere of its application. Footnote: Prayer for wreckage.

§165. The elevation of a system of ethics, we gather from all the foregoing, depends upon the magnitude of the sphere to which it applies. The more extended the circle of those who are subject to the ethical requirement, and therefore are called upon to form one moral communion, the nobler, the more pregnant the ethical content of the system. Hence the obliteration of all national or territorial division lines, the introduction of the notion of one all-embracing human family, is the characteristic mark of a system of ethics that corresponds to the true and perfect idea of such a system.

Whether this distinctive mark is present; whether, in other words, national barriers have actually been wiped out, and the notion of the brotherhood of men with all it

implies is an integral part of a given moral doctrine, cannot be gauged by abstract theses, nor even by the number of those sharing in ethical obligation and dignity. Whether we deal with the relation of the individual to his neighbor, of one people or state to other peoples or states, of the native to the alien, of majorities to minorities, in any of these cases, the dignity and perfection of a system of ethics depend upon the concrete duties laid upon its adherents in their intercourse with outsiders. The question is not, what are the duties imposed upon the outsider, but what do we demand of ourselves in relation to him, what rights are ceded to him, what part is he permitted to enjoy in the prosperity and take in the activity of a community. By the side of an abstract doctrine of "brotherly love," there may be, not only facts[1]—

[1] Let me adduce a single fact of the sort. In this very century, all the nations professing the "religion of love" continued to maintain their property-right

which prove nothing in this case—but also statutes, legal provisions carrying with them the utter helplessness of the stranger before the law.

§166. In the Rabbinical world there was no basis in fact upon which to build up the sociological development of the ethical principle, that is, its full expression through provisions of public law. The Rabbis, therefore, could not go beyond general maxims, but these they urged constantly with special emphasis. The ancient world in general knew almost nothing of a union of nations for the ethical purposes of civilization. Voluntary alliances, chiefly offensive and defensive and of ephemeral importance, contemplated only immediate politi-

Sociological elaboration of the ethical principle by the Rabbis appears only in general maxims. Solomon and Hiram.

in wreckage, and a prayer was offered up in the churches on Sunday for a "blessed strand," that is, for the misfortune of fellow-men! We shall speak elsewhere more in detail of the difference frequently existing between the doctrine of morals accepted by a people (taught in the schools, from the pulpits, and on lecture platforms) and the laws and ordinances on its statute books.

cal ends, which lack the ethical impress both as to purpose and as to means; and when war has once welded the conquered with the victors, the will of the people stands aside, and the supreme power of the state imposes the same yoke upon all.

The amicable relation between Solomon and Hiram is one of the few exceptions history has preserved for us. The natural products and the artistic talents under the control of the Phœnician were put at the disposal of the Israelitish king.

Ethical convictions illustrated in the relation of the native to the alien. Footnote: The influence of a nation's peculiar fortunes upon its spiritual development.

§167. Ethical convictions could be realized, then, only in relations growing up at home, that is, of natives to aliens settled in their country. All that the sources report goes to show that in this respect the ethics of Judaism occupies, not merely a prominent, but absolutely the most honorable place in ancient times. The fiercest light from the ethical theory falls upon the assumption that the Jews were the masters of the land, hence constituted the majority of

the inhabitants, among whom dwelt settlers of alien race. When the Prophet Ezekiel described the future Jewish state as it took form in his fancy, he set up an ever-memorable because unique principle. The whole land, the property of the community (or, as it were, a fief held of God), was to be divided among the tribes, and within the tribes among the families. An elevated moral standard and a clear notion of public law are reflected in the following instruction: "This land (previously defined by its boundaries) you shall divide among you according to the tribes of Israel. And it shall be thus: you shall divide it by lot for an inheritance among you and among the strangers that sojourn among you that have begot children among you; and they shall be with you as those born among the children of Israel; with you they shall divide by lot for an inheritance in the midst of the tribes of Israel. And it shall be: in what tribe the stranger sojourneth, there shall ye give him

his inheritance, saith the Lord God" (Ezek. 47:21-23).[1] Döllinger says justly:[2] "The Jewish codes were more favorable to strangers than those of any other people," and he cites among other passages Deuteronomy 10:19 and Leviticus 19:33 *seq.*: "The stranger that dwelleth with you shall be unto you as one born among you, and thou shalt love him as thyself, for ye were strangers in the land of Egypt." The former passage is preceded by the sentence: "God loveth the stranger." We have already spoken of the equality of all, including the stranger, before the law. This feature cannot be emphasized with too much force, because it is a characteristic product of the Jewish mind, belonging to it alone. Like the "love for the stranger" it is frequently repeated in the code (Lev. 24:22; Num.

[1] Even the revolutionary law of the Gracchi did not propose to acknowledge the claim of every Roman citizen upon the territory of the state.

[2] See Döllinger, *Heidenthum und Judenthum, Vorhalle zur Geschichte des Christenthums*, p. 788.

15:16, and elsewhere). Whenever the law makes provision for the poor, it includes the stranger.[1]

§168. After the destruction of the second Temple the relation between Jews and

[1] The peculiarity of the circumstances which Ezekiel had to imagine in connection with the restoration of the Jewish state and the division of territory was probably not without influence upon the ethical view to which he rose. In general, it is true that the peculiarity of the Jewish people's fortunes is reflected in the peculiarity of its spiritual development. And certainly Israel's fortunes were peculiar! Misery stalking in the wake of defeat—and in conflicts with such giants as Rome and Babylonia, defeat was inevitable despite headlong courage and self-sacrifice—that Israel-Judah experienced in common with many nations. But that a people should return from exile and succeed in establishing its nationality anew is an event without parallel. Israel's experience was unique from the first, when it departed from Egypt (see §26). Again and again races have been subjugated, reduced to slavery or villenage; but does history know of another horde of slaves that recovered itself, regained freedom, reestablished its own civilization, its own government? It is eminently proper, therefore, that in the Prophetic as well as the Rabbinic cycle of ideas the Exodus from Egypt should occupy a prominent place. Its importance had been recognized still earlier, in the code, the Torah. The most exalted

Jews as settlers among other nations. Their ethical obligations. The Israelitish Synod. The German Israelitish Union of Congregations. The French Sanhedrin. The German Rabbinical Association.

others was reversed. Jews became settlers in states formed by other nations, usually conglomerates of various races. This case was provided for by the Prophet Jeremiah in an admonition covering all the ethical obligations of a citizen: "Seek ye the welfare of the city whither I have caused you to be carried away" (Jer. 29:7)—an admo-

moral statutes concerning the treatment of strangers are connected with the Exodus, and are, from a psychologic point of view, impressively inculcated by means of the reminder: "Ye know the heart of the stranger" (Exod. 23:9). It is remarkable how even the law of Sabbath rest, at first sight unconnected with the story of Israel's slavery and redemption, is brought into relation with and illuminated by it. The fourth commandment in the second version of the Ten Commandments, in Deuteronomy, disregards the dogmatic reason attached to the first ("for in six days the Lord made," etc.—Exod. 20:11). It emphasizes the ethical motive, that the manservant and the maid-servant should be granted a day of rest, and employs the memory of the Egyptian experience to urge consideration for subordinates. This method, characteristic of the Bible and still more of the Rabbis, of establishing a connection between the most important moral laws and the history of Israel in Egypt, at the same time illustrates how nations should draw instruction from their fortunes. (Comp. among other passages, Deut. 24:

nition repeated and heeded by Jews in all times. Here follow some endorsements from our own time: The first Israelitish Synod at Leipsic, in 1869,[1] discussed and unanimously passed the following as its first resolution: "The Jewish Synod recognizes Judaism to be in accord with the principles of modern society and of the modern

14-15, and the whole chapter.) One more circumstance requires mention. The fortunes of the Jewish race were for the most part necessary results of its numerical weakness. Only the Prophets, heroes of the spirit, saw clearly that Israel's peculiar task grew out of this very fewness of numbers. The great mass of the people continually labored under the delusion that they might be "like other nations." That is why Israel's political history came to naught, though the achievements of the Prophets to this day constitute one of the higher spiritual forces potent in the inner life of the civilized nations. It does not lie within our scope to pursue this idea, aiming at a philosophy of history. The reader is referred to my work: *Der Prophet Jeremias*, pp. 47, 51, 81. The contrast between the two sets of influences may be briefly pointed out: Worldly dominion or spiritual supremacy; expansion of power or growing moral force; material harvests and successes or the radiating of ideal influences and impulses.

[1] See Proceedings of the Synod, published in Berlin, 1869, p. 67.

state founded upon law, as these principles were proclaimed by Mosaism, and developed in the teaching of the Prophets—that is, in accord with the principles of the oneness of mankind, of the equality of all before the law, of the equality of all in respect to duties and privileges in the state, and of the liberty of the individual in matters of religious conviction and creed."

In 1885, the German Israelitish Union of Congregations published "Principles of Jewish Ethics." They had been discussed by a large assembly of scholars and laymen, at their request had been revised by me, and had then been endorsed and adopted by about 350 Rabbis and teachers of religion of all shades of opinion and 270 Jewish jurists of Germany and Austria. Paragraph 14 reads: "Judaism commands that its adherents shall love the state, and willingly sacrifice property and life for its honor, welfare, and liberty."[1]

[1] See Appendix No. 29, p. 302.

The same thought was solemnly expressed by the Sanhedrin convoked by Napoleon I in France.[1]

Recently (July 6, 1897), the German Rabbinical Association, whose members belong to various religious parties, made a public declaration, which contains the following: "Judaism imposes upon its adherents the duty of serving the state to which they belong with devotion, and promoting its national interests with all their heart and might."[2]

The principles underlying the formation of communities; the position of non-Jews.

§169. Talmudic Judaism lacked almost entirely the opportunity to develop its general ethical principles to the point of applicability to the details and multiplex problems of practical life. The Jewish state had been annihilated, and the notion which the Rabbis were able to conceive of a great empire, especially of the Roman empire, paralyzed them by the technical perfection

[1] See Appendix No. 30, p. 306.

[2] See *Allgemeine Zeitung des Judenthums*. Berlin, July 26, 1897.

of its organization.[1] From the ethical point of view, basing their judgment on their own experience, they considered it the embodiment of arbitrariness and lust of power, not to say lust of oppression and persecution. Besides, it was all the Rabbis could do to preserve and cultivate tradition, to foster the feeling of solidarity among their scattered people. Indeed, even theoretic questions relating to the organization of a great united community on the basis of their own ideals were not to be thought of. On the other hand, they had and used the opportunity to form autonomous communities. Primarily these communities were organized with reference to religious needs and religious communion. Yet the moral principles underlying them testify to a humanity of such largeness and nobility that the communities of the civilized European states of to-day but infrequently attain to it.

[1] חללה של רשות, *Sabbath* 11ª.

Here we meet with the law requiring that moral duties be discharged with equal scrupulousness towards outsiders as towards brethren-in-faith. As usual, the general regulation is made plain by means of typical cases. It is said: "The poor of the stranger are to be supported with (עם) the poor of Israel; the sick of the stranger are to be visited [1] like the sick of Israel; the dead of the stranger are to be buried with the dead of Israel; (and the mourners of the stranger are to be comforted like the mourners of Israel), on account of the ways of peace." [2]

This prescription is based upon the Biblical law of equal love and care for the stranger with the Israelite. But the Rabbis bettered it, inasmuch as they address the demand not only to the individual but to the community as such. In the parallel

[1] That is, "nursed." "Visiting the sick" is the technical expression for tending them.

[2] *Gittin* 61a. See §174. Comp. Maimonides *Hilkhoth Melakhim*, ch. 10, Hal. 12.

passage in the Jerusalem Talmud appears a still more important element. There it is proclaimed that the ethical communion between Jews and non-Jews shall be expressed in the internal organization of the community. This idea reaches its maturity in another prescription, providing that strangers shall be called upon with Israelites to administer the affairs of the community.[1]

Stress laid by the Rabbis upon gentle treatment of the stranger.

§170. The devotion of the Rabbis to the text of the Biblical code and the acumen with which they entered into its explanation are matters of common knowledge. Every germ of a thought dropping from the Bible into their minds sprouted and bore fruit. This appears strikingly in the treatment of the relation of Israelites to the stranger. It did not escape the observation of the Rabbinical student of the Law that in enumerating those to whom tender consideration is to be shown, the Scriptures put the

[1] See Jerusalem *Gittin* 5:9. Comp. also *Tosefta Gittin*, ch. 5.

stranger even before the orphan and the widow; he follows immediately after the indigent Levite, consecrated to the service of God, and (in every case but one) precedes the Israelite in need of protection and charity.

"In thirty-six passages," it says, "the Scriptures have forbidden the vexation of the stranger even with injurious words."[1] The stress laid in Jewish literature upon the humane treatment of the stranger compared with the Greek view of the stranger as "Barbaros" indicates the height scaled by Talmudic morality. Resh Lakish said: "To wrest the judgment of the stranger is equivalent to wresting the judgment of God," that is, is equivalent to attacking the moral order of the universe itself.[2]

The stranger favored, and his rights put upon a religious basis.

§171. The Rabbis did, indeed, lay down a difference between the legal status of the stranger and that of the Israelite, but only with the purpose of throwing more jealous

[1] *Baba Mezia* 59[b].

[2] *Chagigah* 5[a].

safeguards about the rights of the stranger. The simple, ethical motive of equality was re-enforced by another ethical motive, the honor of Israel, and by a religious motive, the honor of God. "Robbery of non-Jews is worse than robbery of Jews; the former involves desecration of the Divine Name,"[1] and what the correlatives, "desecration of the Divine Name" and "sanctification of the Divine Name" meant to the Rabbinical world will appear later.

The stranger's participation in enjoyments.

§172. Any violation of the rights of the stranger, then, was strongly deprecated. The Israelite was commanded to grant him encouragement, support, and all the services of love craved by human need. But the communion between Jew and non-Jew extended beyond this. The Israelite was bidden to give the stranger part in whatever enjoyment life afforded him. Joys are

[1] *Tosefta Baba Ḳamma*, ch. 10. גזל is the technical expression for every sort of open injury, fraud, etc., in opposition to "secret" theft.

promised and pleasures recommended, but "with the stranger thou must share them." "Thou shalt rejoice in every good thing which the Lord thy God hath given unto thee, and unto thine house, thou, and the Levite, and the stranger that is among you" (Deut. 26:11).

"The stranger in the market-place."

§173. Again, the provisions of the law and the admonition to show friendship applied not only to the alien settled in Israel's midst, but also to the chance stranger. The technical designation for the latter was "the stranger in the market-place"—the market-place that attracts all alike, and therefore is the meeting-place of utter strangers to one another. Abayi was in the habit of saying: "Man should be inventive in ways of fearing God, should be gentle of speech, should control his wrath, and promote peaceable intercourse with his brethren, with his friends, with all men, even with the stranger in the market-place, that he may be loved above and below (by

God and by men), and be acceptable to all creatures." [1] This commendation of amicable and peaceable relations is followed immediately by a reference to R. Jochanan ben Zakkai's civility, which comprehended even the "stranger in the market-place."

Ethical legislation "on account of the ways of peace."

§174. In dealing with the directions enjoining the equality of the stranger's with the Israelite's claim upon our charity, we met with the motive, "on account of the ways of peace" (§169). The sadness of later times obscured the moral beauty of the thought conveyed by this phrase. To the middle ages it appeared a restriction placed upon moral value, a concession to prudence, as though the injunctions to which it is attached had been given, not for their own sake, not for the sake of morality, but for some external reason of expediency. It seemed to touch the practical rather than the ethical side of con-

[1] *Berakhoth* 17a.

duct.[1] In point of fact, however, the leveling of the "paths of peace" (דרכי שלום) as a motive even for actions tending to demolish national barriers and promote the universality of the moral communion, is one of the highest aims of moral conduct. That this conception covers the true meaning of "ways of peace" appears from the passage: "The whole Torah exists only for the sake of the ways of peace."[2] Obviously the idea here is the exalted one, that all ethical legislation converges in the blessed hope of establishing peace among men, and this principle of fundamental importance is enunciated, not in some recondite Midrash

[1] Especially in expressions that fairly amount to maxims, the upward striving development of the ethical thinker must reveal itself. It alone guarantees the full understanding of a living thought bequeathed by generation to generation. Of the words of the Bible and Talmud, suggestive as they are, it is true that אורח חיים למעלה למשכיל (Prov. 15:24). For the wise, the paths of vital thought go always upward.

[2] כל התורה כולה מפני דרכי שלום.

attributed to an obscure disciple, but in the Talmud itself, where it forms the nucleus of the discussion on the "ways of peace" between Abayi and R. Joseph.[1]

[1] See *Gittin* 59[b].

APPENDIX

APPENDIX

1.

To § 6. It cannot be denied that this method (or rather lack of method) of free Bible interpretation induced a neglect of strictly scientific exegesis. The connection of single sentences with the whole passage—not to speak of the book—in which they occur was disregarded as completely as the peculiar spirit or style of the author, and no account was taken of the historical circumstances in which the expressions originated and to which they refer. It is a fact that the art of interpreting Biblical language according to its natural sense disappeared along with the desire and even the ability so to interpret it. (Comp., for instance, Aben Ezra, Introduction to his Bible Commentary, and Graetz, *Geschichte der Juden*, vol. XI, pp. 13, 41 [vol. V, pp. 300, 328]).[1]

[1] References to the *History of the Jews* by Graetz will be made first to the German original, then, in brackets, to the translation published by the *Jewish Publication Society of America* (Philadelphia, 1891-1898).

This is the defect of the intellectual work of the older Jewish school, in sharp contrast with the scientific modern Bible Commentaries. The advantage of the method appears in the text.

2.

To §11. Comp. *Sotah* 10[b] with its emphatic "Rather throw yourself into a fiery furnace than put your fellow-man to the blush." The large number of Rabbis on whose authority the sentence is cited proves the importance attributed to it. See also part II, end of ch. VI, note on the development of the Law by the Talmud.

In the passage in *Sanhedrin* (11[a]) referred to, the Talmud represents God as answering Joshua's question about the offender with exquisite naïveté: "Do you take me for an informer? Find out the state of the case yourself" (by drawing lots. See Josh. 7).

3.

To §12. A criticism of Hirsch B. Fassel's book does not lie within the scope of my work. However, so far as I know, it is the only systematic presentation of the ethics of Judaism

published in recent centuries. All other books attempting the same combine ethical and religious doctrines inextricably. I am, therefore, tempted to show that Fassel's essay, in that it is not a specifically Jewish system of ethics, fails in the most important particular.

Its very title[1] proves that first principles were not properly conceived, and that the book cannot give a complete scientific system. Beyond a doubt Fassel was master of the subject-matter, and the ethical precepts he expounded were convictions and rules of conduct with him. Yet he never attained to a clear perception of the relations of his subject. The determination to follow Krug's strain of thought was itself an obstruction. All honor to Krug's Ethics! But it is undeniable that it differs fundamentally from the ethics of Judaism. Krug had nothing in common with the mental disposition of the Talmudic heroes. By this I do not mean that the Rabbis were not acquainted with Krug's categories and turns of expression—these are convertible and transferable. But they knew

[1] צדק ומישפט, *die mosaisch-rabbinische Tugend- und Rechtslehre, bearbeitet nach der philosophischen Tugend- und Rechtslehre des seeligen Krug und erläutert mit Angabe der Quellen von H. B. F.*

nothing of his subject-matter, of his questions and answers, his problems and solutions. On the other hand, Krug probably had no conception of the peculiarity of Jewish ethics, the specific character of its principles, its theory of life and the world. Certainly he had no reason to take them into consideration in formulating his own system.

Fassel marshals a great number of moral principles, but his exposition of them is slight, his effort to derive or establish them still slighter. A rich treasure of Talmudic sayings and teachings—the most valuable part of the work—is quoted in exemplification of his bald fundamentals. These sayings and teachings are utterly unconnected. They are piled up without regard to order. Their subordination to the general statements constructed after Krug's has almost no effect in revealing the true, inner connection of the sentiments. The philosophic light derived from Krug burns but dimly.

Thus it came about that even so learned a man as Fassel put at the head of his work the inapt equation between צדק ומשפט and the doctrine of virtue and law. The concept or the word צדק has a varied and, even aside from its supposed connection with the Sad-

ducee party-name, an interesting history, particularly significant in its derivatives. In this history it suffices to call particular attention to the following: On the one side, leaving its original province entirely, the idea is narrowed down to צדקה, which means "charitable deed," "benevolence," or only the "charity strong-box." On the other side, it enlarges its scope to צדיק, the ideal of manhood, the exponent of all that is good. Even in the phrase צדקה ומשפט, occurring in Prov. 21:3 and Ps. 33:5, R. Eleazar (*Sukkah* 49[b]) takes the word צדקה to mean "alms."

Again, צדק, which occurs in the Bible only four times in combination with ומשפט (Ps. 89:15; 97:2; Prov. 1:3; 2:9) always means "justice" as a principle, and משפט implies both the statute and its execution. Even the two together do not constitute the whole of the moral idea nor, indeed, its highest requirement. They may be looked upon as the most important, the indispensable condition of moral association (see part II, §283), as the beginning and the premise of nobler forms of fellowship, because their opposites set up the most effectual barriers between man and man. Law, therefore, may be called the foundation of moral society, but it is not the whole struc-

ture, certainly not its crowning glory. Or, to use another figure of speech, the vineyard must be cleared of stumps and stones and fenced in to insure conditions favorable to growth, but to produce wine more is necessary. Vines must be planted and nursed before the field can be called a vineyard. The Psalmist (89:15) gives the essential meaning of צדק ומשפט in the exalted expression: "Justice and judgment are the prop of thy throne," but what of the rest of the verse: "Mercy and truth precede thy presence?"

It would not be difficult to put the kernel of Jewish ethics into words that are terser and more striking. They should denote either the most comprehensive, or the highest, or the most distinctive concept of the ethics of Judaism. These three attributes are found united only in the words קדושים תהיו, "You shall become holy." Hence the idea of "holiness" may be regarded as the sign-manual of the ethics of Judaism. From the accurate definition of this principle all ethical maxims can be deduced naturally and surely, in logical order. It is an absolutely universal and a pre-eminently formal principle.

By using as a fundamental principle such concepts as "law and justice," which desig-

nate manifestations of the ethical idea, that is, actual conditions, methodological purposes are thwarted rather than furthered. The application of the ethical idea to other concrete conditions is made difficult, if not impossible. A fundamental principle of this character is not sufficiently elastic to embrace the different spheres of existence, the various modes of life, the emotional relations, in which the ethical idea is to be made real. It is true that in establishing a principle of logical sequence and orderly derivation of such perfection as to afford a basis for an elaborate (applied) system of ethics, we cannot dispense with a knowledge of the actual relations of persons and things gained from external sources, that is, from experience. Every system of ethics is based upon the presupposition of a natural world in which moral ideas are to take effect. But the attempt to discover in the fundamental principle, not alone the guiding rule, but the concrete subject-matter of ethics as well, is successful only by way of logical subterfuges, in other words, is only seemingly successful.

For Maimonides and Aristotle, see Appendix No. 14, p. 273.

4.

To §14. Grünebaum in his book, *Die Sittenlehre des Judenthums anderen Bekenntnissen gegenüber* (Strassburg, 1878), expressed this idea (p. 200), and confirmed it by excellent illustrations. "It is absolutely necessary to understand the language of the old teachers, disengage the kernel from the shell, and know how to distinguish between form and essential meaning."

5.

To §15. Granted that the passage as it occurs in the Talmud (*Sotah* 35[a]) and in the quoted Midrash describes a miracle. That merely removes the true explanation one step further back. For, what is the spiritual source of a legendary miracle? The very belief in the power of the ideal conveyed by the quoted passage, by the whole context, indeed, in which it is found, beginning with "God bears the world, etc."

If the prolific author of the legend, R. Berechiah, was not conscious of its true import, that would only go to show that the expression "he prophesies and knows not what" (ניבא ולא ידע מה ניבא) was applicable to him.

In fact, it is not necessary for any one individual to be conscious of the thought, to think it abstractly. The spirit of the people which produces the legend unconsciously cherishes the idea as a creative cause.

With regard to the commentary upon the verse from Ecclesiastes, it should be said that there are many variants, some based upon אין יתרון (v. 3), some upon אין חדש (v. 9); now using למעלה, now קודם. In the context the last may have referred originally to precedence in time or to superior excellence. The fundamental thought remains the same: in the moral world and only in it is found what is lacking in the natural world.

6.

To §15 (*end*). Comp. also *Sabbath* 10[a] and the fine passage in Maimonides, *Hilkhoth Sanhedrin*, ch. 23, Hal. 9, which clearly illustrates the intimate connection between law and religion so characteristic of Jewish ethics. (Comp. also part 11, §284 and Appendix thereto.)

7.

To §30. A monograph on זכות אבות would be highly desirable. The meaning of the term

should be defined, its historical development traced, and a critical appreciation of its various ethical aspects thus made possible. As a matter of course, such an essay should enter into a psychologic consideration of the stimulating and the relaxing influence exerted by the idea.

8.

To § 38. See Schiller's *Briefe über die ästhetische Erziehung des Menschen*. However, it should be pointed out that under various guises æsthetic motives enter into symbolic religious practices and customs as prominent factors, more assertive and influential, in fact, than the whole of religious art. It would be an interesting piece of psychologic work to determine their place. The festivals with their attendant ceremonies are full of æsthetic motives, and the Rabbis softened and refined the punctilious rigor of the law by investing its observance with forms of beauty; "the beautifying of duty" (הידור מצוה) is a standing recommendation.

9.

To § 48[a]. The footnote on *Berakhoth* 17[a] requires additional explanation. I have taken

להתגדר in the traditional sense of "to boast," the *Arukh*, for instance, by a change of liquids considering it the same as להתגדל. Others derive it from גדר, "fence," and define it "to separate, or seclude oneself." The meaning of the sentence in *Berakhoth* would then be: As a wordly occupation does not preclude the partial pursuit of science, so study does not preclude practical activity.

Hermeneutically, this interpretation is not admissible. The context refers to the *Am ha-Arez*, and the intention is to emphasize the equal value of different occupations, the practical and the learned. Besides, the parallel passages in *Chullin* 7[a], *Yoma* 78[a], and *Nedarim* 81[a] unmistakably sanction the sense of "boasting."

If, as מהרש"א (R. Samuel Edles) maintains, the question turns, not upon the genuine עם הארץ ("ignoramus"), but upon the לומד בכל יום מעט כפי יכלתו וכו' ("one who learns each day as much as he can"), then the second meaning of להתגדר has been vindicated by an ingenious sophism, but the nobler intent and whole value of the dictum are destroyed. It was not worth while for the Rabbis to formulate the maxim. And why the sonorous introduction: אני בריה וכו'? Casuistry is ruinous

to all ethical thought. Comp. Appendix Nos. 22, 23, and 26.

The whole passage on ע״ה מותר לנוחרו ("an ignoramus may be slit up") or לקרעו כדג ("torn into pieces like a fish") can be nothing more than a jest (see *Pesachim* 49b). Every doubt must vanish before the gradation from אפילו ביוה״כ ("even if it be the Day of Atonement") and שחל להיות בשבת ("even if it fall upon the Sabbath") to the question put by the disciples: why not לישוחטו ("slaughter them")? culminating in the answer זה טעון ברכה וכו׳ ("because slaughtering requires a blessing"). Only mediæval misery burdening the soul could fail to recognize the intention to jest. The complete change of meaning produced by Alfasi's addition (כשהיה רץ אחר נערה המ׳, "because he ran after a betrothed maiden," and therefore incurred his fate only מטעם רודף, "on account of pursuit") surely is an apologetic device invented by himself or one of his predecessors. The matter is as clear as daylight, yet here are a few proofs: 1. Why should both R. Eleazar and R. Samuel ben Nachmani, quoting R. Jochanan, have failed to mention the chief circumstance in so important a matter as murder? 2. The whole series of sentences to which the above belongs

relates to the character and treatment of the עם הארץ in general. Is it conceivable that the most important of them should involve a special condition? 3. If מותר לקרעו כדג were מטעם רודף, why limit it to the עם הארץ? Would not the same law be applicable to the תלמיד חכם ("disciple of the wise")? To allege לא שכיחא (that "it does not occur with a disciple of the wise") is simply sophistry. What a monstrous style for a lawgiver, to omit mention of the chief condition leading to a threatened result, and cite an unessential fact favoring the condition!

If more convincing proof were needed that these are but "jesting words" (מילתא דבדיחותא), it can be found upon the same page in the utterance of no less a personage than Rabbi himself:

עם הארץ אסור לאכול בשר בהמה שנ' זאת תורת הבהמה והעוף וכל שאינו עוסק בתורה אסור לאכול בשר בהמה ועוף.

"An ignoramus may not eat the flesh of cattle, for the Scriptures say: This is the law of cattle and fowl, and whoever does not devote himself to the Law is forbidden to eat the flesh of cattle and fowl."

Could any one seriously think that R. Jehudah ha-Nasi legally forbade an ignoramus, עם הארץ, to eat meat? And gentle R.

Akiba, who accuses himself (*ibid.*), would he have touched a hair of the head of a תלמיד חכם in his עם הארץ days? Here, too, the progression from the dog to the ass is proof positive of intended pleasantry. The clinching argument is furnished by R. Chiya (*ibid.*). If his words are not a wretched joke, they are pure nonsense. Again, can it be supposed that R. Eleazar ben Azariah meant to prescribe a penal procedure by his severe though none too harsh expression: He who slanders or gives ear to slander, and he who bears false witness, deserve to be cast to the dogs? Yet, even in our day, מותר לקרעו כדג, naturally with its casuistic limitation to the רודף, has been considered a provision of the criminal law. See אור נוגה על שמי התלמוד by Ben Zion כ"ץ. Warsaw 5656, 1896. Note, p. 25. It is an untenable position.

This little work is a suggestive warning against the dissipation of ample knowledge and great acumen by futile apologetics, brought about by loss of ability to see simple things simply, especially to discriminate between jest and seriousness. All the expressions in which מעלין ומורידין occurs are lightly thrown out; their subject is not a real concern of serious bearing. Instead of Ben Zion's fifty reasons, only this one is needed

to justify the Talmudic expression מורידין in *Abodah Zarah* 26ª and elsewhere. All the learning, ingenuity, and folly of his cardboard-house of fifty arguments against the false interpretation of the Talmud, collapse under the objection that fourteen centuries suffered the false interpretation without taking umbrage at the sentence. R. Meïr's saying that "words spoken in a dream לא מעלין ולא מורידין," neither help nor harm, in a word, are meaningless, proves that the phrase is merely an equivalent for לא יועיל ולא יזיק, that they are a generality to which no concrete meaning should be attached. Occasionally the Talmud indulges in blunt sarcasm. A Halachic opinion, reported by Eleazar in the name of Rab, displeases Samuel. He says: Give Eleazar barley to eat. See *Kethuboth* 77ª.

Mr. I. I. Kahan sent me, incidentally to his kind proof-reading of this work, the acceptable information that R. Hai Gaon explained the passage in *Pesachim* 49ᵇ as דברי הבאי, "jesting hyperbole." See *Responses of the Geonim*, ed. Harkavy, Berlin, 1887, p. 197.

10.

To § 49. Would any importance be attached to the wrathful utterances of a French franc-

tireur of 1870 or of a German patriot of 1813, who had recently suffered from the rigors of war in person and property?

The collection of war-songs sung by the Germans in '70-'71 contains one verse which occurs in the collection of 1813-'15, in other words, which kept itself alive during fifty-five years of peace. It runs thus:

Schlag ihn todt,
Patriot,
Mit der Krücke
Ins Genicke.

Again, one of the French songs of revenge anticipates France's supremacy. At the end it says:

"Meantime, until we reach the glorious end, hatred and murder."

And a little further up:

"No shield henceforth but hate, hate equal to the enemy's!"

Even Victor Hugo produces words of savage passion as the sorry fruit of sad events:

"Poison the wells, the sleeping murder,
Kill them with axes, pitchforks, and scythes."

Ben Yochai had suffered, not only in person, but through the persecution and oppres-

sion of what was dearer to him than life, than his people—persecution imperiling the teaching of the Law, oppression clipping its practice.

This subject is treated excellently by Michael Sachs (*Beiträge zur Sprach- und Alterthumsforschung*, vol. II, p. 150): "As the criterion for defining the attitude of the Germans towards the Romanic nations would not be deduced from the Teutomaniac expressions of rabid Germans against southern foreigners (*die "Welschen"*), so the religious teachings of Judaism may not be judged by Agadistic interpretations of Biblical passages originating in the period of the second severe persecution." And this thought gathers force from the fact that "grief over rights denied, over unmerited shame, and unheard of oppression was satisfied to vent itself in these symbolic interpretations and amplifications of the prophecies" (p. 148). "History does not record many instances in which witty exegesis and immovable faith were opposed as sole bulwarks against might in full panoply, and there is no parallel to the triumphant assertion of an idea in face of crushing hatred backed by extraordinary resources" (p. 145).

A hue and cry has been raised against the expression: "You are called men, but the other nations are not called men" (*Baba Mezia* 114[b] and *Yebamoth* 61[a])—seemingly a harsh sentiment. Its author is the aforementioned Simon ben Yochai. The objection to it falls to the ground as soon as we recognize that "not called men" is a favorite phrase to denote that the life of such a one is unworthy a human being. In *Yebamoth* 63[a] it says, for instance: "Who has no wife is no man, for 'male and female he created them. . . . and called them Adam' (man, Gen. 5:2); only the two together constitute man." The phrase is applicable outside of the moral sphere, to the amenities and the practical side of life. Hence the expression: "Who owns no real estate, is no man" (*ibid.*). Finally, if we note the context in both passages, all harshness vanishes. The discussion is upon the ritual question, whether the grave of a non-Jew pollutes. R. Simon says with regard to Numbers 19:14, "When a man dieth in a tent, etc.," that man here means Israelite, for the laws of clean and unclean, being ritual laws, apply only to Israelites, losing their validity, even for Israelites, beyond the borders of Palestine.

Assuming, however, that the expression in

Yebamoth is not limited to Israelites, do not all European languages call a cruel or vengeful man *inhuman*, a monster? Is that not another way of saying: he does not deserve to be called man? Now let us consider the Roman persecutions and outrages. For instance, to celebrate his brother Domitian's birthday, Titus had twenty-five hundred youths, Jewish captives, slaughtered. In Vespasian's honor the hideous act was repeated by Titus—Titus, the "delight of mankind"! To slaughter human beings, defenseless, innocent captives, and to slaughter them in celebration of birthday anniversaries! (Josephus, *Wars of the Jews*, VII, 2, 1; 3, 1; 5, 1. Graetz, *Geschichte der Juden*, vol. III, p. 544 [vol. II, p. 312]). Is it going too far to deny the honorable appellation of man to the perpetrator of such cruelty? The history of the humanity that stands the test of war, especially of victorious war, had not yet begun.

II.

To §50. Thus, if we meet the views of two opposing parties, as, for instance, those of the Zealots and those of R. Jochanan ben Zakkai, we pay to the one set the tribute of comprehension, to the other the tribute of acquiescence.

Vehement anger in the thick of the fight calls for no censure, but admiring praise is due him who rises above temporary ills to eternal truths. R. Jochanan, says Graetz (*Geschichte der Juden*, vol. IV, p. 23 *seq.* [vol. II, p. 331, *in part*]), "appears to have acted as a shield from a political point of view for the young communities that he had created. His kindly and gentle disposition, in which he resembled his teacher Hillel, he displayed even to the heathen. It is related of him that he always greeted them in a friendly manner (*Berakhoth* 17[a]). Such friendliness offers a striking contrast to the hatred felt by the Zealots toward the heathen, which increased after the destruction of the Temple. The verse Proverbs 14:34, 'the kindness of the nations is sin,' was taken literally by the people of that time, and was applied to the heathen world with evident resentment and not to its credit. They said bluntly: 'The heathen may do ever so much good, yet it is accounted to them as sin, for they do it only to mock us.'[1]

[1] The same phrase was used in the French chauvinistic journals of this very decade, whenever a public disaster, such as the assassination of President Carnot, the Bazar fire of 1897, etc., elicited words and acts of kindly sympathy from Emperor William II of Germany.

Jochanan alone explained this verse in a sense expressive of true humanity: 'As the sin-offering atones for Israel, so mercy and kindness atone for the heathen nations' (*Baba Bathra* 10[b])," in explanation of which it should be said that the word חטאת is the technical expression alike for "sin-offering" and for "sin."

To gauge the value which, in the eyes of the Rabbinical world, accrued to this view from the circumstance that it had originated with R. Jochanan ben Zakkai, we must keep in mind the prominent position he occupied at a crucial moment in Israel's history. It lies beyond the scope of this work to give an historical account. It can be found at length in the History by Graetz. His closing words deserve a place here (*Geschichte der Juden*, vol. IV, p. 27 *seq.* [vol. II, p. 333, *in part*]): "It cannot be repeated too often that the solidarity of the Jewish people in the dispersion is due to R. Jochanan ben Zakkai's efforts. He succeeded in re-establishing the bond, partially ruptured by war, which united the most distant communities into one self-conscious, homogeneous congregation. In his person the transition took place from the tumult and complexity of political life to the quiet of a no

less active communal and spiritual life. He joined in himself the qualities of the Prophet Jeremiah and of Zerubbabel, the Prince of the Return. Like Jeremiah, he sat mourning upon the ruins of Jerusalem; like Zerubbabel, he called new conditions into being, like him, he stood upon the dividing line between two epochs, heritor of the one, creator of the other. Both laid the corner-stone of a new Judaism, which the generation following them reared to the full height of its completion."

12.

To §55. It is proper to mention at least that the two tendencies are, as it were, personified in two of R. Jochanan ben Zakkai's most famous disciples. Severe, unbending, inexorably firm, R. Eliezer ben Hyrkanos teaches not a word and lets none pass unchallenged that he has not heard from his teacher. R. Joshua ben Chananiah, on the other hand, mild, conciliatory, circumspect, considerate, who heeds the demands of the present and of the future upon his people laboring under their burden and panting for knowledge and spiritual uplifting, requires a reason for every law. Choice between the two is made without

hesitation. Joshua represents Judaism in the spirit of his master. Nor is it an accidental circumstance that R. Eliezer, despite his great qualities, recognized and appreciated as such (by none more than by Joshua, his confirmed opponent), and despite his unbounded honesty and self-effacing staunchness, should have been under the ban during the latter years of his life. The interdict, by the way, had been pronounced against him, in the interest of public welfare, by R. Gamaliel, his own brother-in-law.

It was Eliezer's *principle* that had to be interdicted. Real tragedy hero that he was, he defended it to the last. The nobility of his character appears from his opposition to the newly compiled ritual, the same now in use. His foremost objection to it arose, it is true, from the fact that it was not traditional. But this was fortified by the opinion that prayer ought to be the outpouring of the heart offered spontaneously, not in fixed, prescribed forms.[1]

[1] We are not concerned with prayer, yet it is not out of place to comment upon Eliezer's opinion. Attractive though it be at first sight, it applies only to prayer offered up in the privacy of one's chamber. Public divine service, the regulation of which was under discussion, cannot dispense with an ac-

The respect enjoyed by persons or parties does not confer authority. Only opinions based upon research and reason may lay claim to validity. Joshua held firmly to this principle, as is attested by later legends clustering about his discussions with his opponents. They adduced signs and wonders in confirmation of their views, and finally a voice from heaven decided in their favor. Joshua insisted that man alone has the deciding voice in human affairs, and that his decision must accord with reason (*Baba Mezia* 59[b]). Joshua supported his position by citing Deuteronomy 30:12: "This commandment is not in heaven, etc." He might have referred to the same thought expressed in the oldest law (Deut. 13:4), where signs and wonders are rejected as a method of distinguishing the true from the false prophet. The prophet's teaching is the sole consideration.

cepted form. Nor does prayer lose aught of its power of elevating and edifying by reason of being cast in a fixed form. It is a psychologic fact that the real content of prayer, its thought and its feeling, always and in all circumstances, is modified by the personality of the worshiper. It depends less upon the words spoken than upon habitual impressionability and the emotion of the moment.

Graetz may be looked upon almost as a partisan exponent of conservative Judaism. Therefore his words concerning the sterility of traditionalism carry all the more weight. In characterizing R. Chanina ben Chama he says: "Among the Amoraim R. Chanina was like R. Eliezer ben Hyrkanos among the Tannaim—receptive throughout, never creative. If their point of view had prevailed, the Halachah would have had to remain always unchanged, in the form as originally given. Its fruitful application, its development, and amplification were not their concern" (Graetz, *Geschichte der Juden*, vol. IV, p. 283 [vol. II, p. 491, *in part*]).

13.

To § 55. There is pathos in the story of Akabiah ben Mahalel, one of the great traditionalists (*Eduyoth* 5:6 and 7). He, standing alone, opposed the opinion of all the sages, because he would yield obedience only to the tradition he had received. He was called upon to retract, and was offered the highest imaginable reward, appointment to the presidency of the Sanhedrin. High-principled as he was, he refused, saying: "Better be called a fool all the days of my life than become a

sinner in the sight of God for one hour." It is no less touching that on his death-bed he advised his son not to cling to his father's tradition, but to follow the majority. The inadequacy of his theory is plainly evident in the reason for his counsel. When his son wanted to know why he had not retracted, he answered: "I heard my opinion from many, my opponents heard theirs from many. . . . . You heard both opinions, mine from a single person, theirs from many. Follow the majority." Only the narrowness of the traditional principle could suffer a literal counting of those from whom a tradition was received, and so establish a difference between the case of the father and that of the son. As though the "many" accepted by the father as transmitters were not many for the son!

Surely, that he had not himself heard these "many," but had gathered their opinion from the mouth of his father alone, could not have affected the opinion of the son seriously. Could he mistrust the tradition, because his father was a single individual?

An erroneous translation of a Talmudic sentence by Fassel must be mentioned as a warning example. In citing (p. 88) the above Mishnah from *Eduyoth*, he represents the

father as answering the son's question, why he had not retracted at the bidding of the majority, as follows: "Because I consider my opinion the truth, but you, etc." This is not a translation, not even a free or arbitrary translation; it is the insertion of an entirely foreign thought, one that obviously destroys the unity of the Mishnah. The point in question is not what is considered the truth, but the reason why a certain opinion is considered true, and this reason is discovered in the opposition between an individual and a multitude.

14.

To § 61. Overzealous exegetes should not be permitted to cast doubt upon this fact. Truth requires the admission that there is a minimum of system in the Talmud, especially in the Gemara, and the logical derivation of details from general principles is imperfect. This remains a correct characterization even after philologic criticism has removed late insertions, and leaves only the text of our Mishnah of R. Jehudah or the hypothetical Mishnah of R. Akiba. Moreover, this mode of thinking endured so stubbornly that in point of system even Maimonides' *Mishneh Torah*

appears mediocre and inadequate, though its author was disciplined by Greek philosophy, and the advance in logical order which it registers is great. Slight attention is given to logical deduction; only the most subordinate detail is connected with the broadest of principles, and the intermediate links marking a genuine derivation are absent.

For the lack of logical consecutiveness in Maimonides' original philosophic treatise, the "Eight Chapters" (Introduction to the Mishnah *Aboth*), a monograph on the foundations of ethics, Aristotle must in part be held responsible. To have followed Aristotle here was not a happy idea. His Ethics, admirable as it is in other respects, is especially deficient in logical derivation of its contents. Even Schleiermacher ridiculed the Aristotelian "swarm of virtues" in his *Grundlinien einer Kritik der bisherigen Sittenlehre* (a curious though excellent book, by the way). Perhaps the very strangeness of Aristotelian ethics attracted Maimonides.

Yet it is astonishing that Maimonides should have failed to note the infinite divergence between the Aristotelian and the Jewish moral doctrine so completely as to intermingle the two. Thus it came about that he

could speak of the Aristotelian virtues of "the mean" in the same breath, as it were, with the divine pattern of true, real ethics, the inner, profound reason for ethical conduct. In the first five paragraphs of the first chapter of *Hilkhoth Deoth*, these virtues of "the mean" are treated of, and the closing admonition reads: "And we should walk in these paths of 'the mean'; they are the good and proper paths, whereof it is said: 'Thou shalt walk in his paths.'" The sixth paragraph follows at once with: "So this command was enjoined: 'As he (God) is called gracious, be thou gracious; as he is merciful, be thou merciful; as he is holy, be thou holy.' In this way the Prophets invested God with all attributes, calling him long-suffering, full of kindness, just, perfect, omnipotent, etc., to point out that they are the good and proper paths, and that men are in duty bound to walk in them and to resemble him as far as they can."

What, we ask, has the cycle of Aristotelian virtues gracefully disporting themselves upon the path of the golden mean—virtues that, for the most part, are no positive virtues, only the mean between two vices; virtues regulating the decorous behavior of the educated, well-to-do Athenian; virtues utterly removed from the

serious moral obligation which is of the essence of the Jewish spirit; virtues the lack of which indicates naught of abysmal guilt, the possession of which, naught of the heavenly heights of moral purity before God—what have these comely, amiable virtues to do with the unutterably sublime idea of divine morality? If this collocation of ideas is not blasphemy—and of blasphemy Maimonides certainly was never guilty—then it shows absence of critical thought; it is thoughtlessness begot of the currency of Aristotelian concepts and the veneration for them.

The master, Aristotle himself, was more prudent. His "God" has none of the virtues that are to lead and adorn men. Justice, freedom, goodness, are notions belonging to this world—a world with which God has absolutely no connection. He does not even know the world, for knowledge of evil would defile, degrade him. The twelfth book of Aristotle's Metaphysics and the eighth of his Physics make it clear beyond a doubt that his "God" is not a motive force; that he knows naught beside himself. "God" thinks, but he thinks only himself, and in this self-examination he finds beatitude. Yet it is not so much Aristotle's metaphysical view of God as his view of

the world that separates God from the world, particularly the sublunar world. Aristotle considers nothing in the world worthy to be the object of God's thought. The fundamental difference lies not in his theology, but in his ethics.

In fact only an ethical principle of superlative force, rigor, and elevation may be coupled with the divine pattern of morality (comp. part II, § 214). It is perhaps most characteristic of the Ethics of Aristotle that politics, and politics alone, was regarded at once as its point of departure and as its aim. Ethics was not an edifice standing alone; it was merely a little annex to the palace of politics. (See *Nicomachean Ethics, passim,* but especially I, 1 and end.)

Here we have the whole opposition between the two systems: For Aristotle the politics of the tiny Greek state was the be-all and end-all of ethical consciousness. The Prophet's and the Psalmist's ideas culminated in the thought of God as the archetype of morality, inasmuch as he prescribes a moral aim for the world, and leads the world to its realization. For instance, God's justice appears in וישפוט תבל בצדק וכו׳, "With righteousness shall he judge the world, and the people with

equity" (Ps. 98:9). Mark תבל, which comprehends the whole earth and all nations!

The ethical idea of God is most beautifully expressed in a little Psalm (67), whose universal tendency is palpable:

(2). "God be merciful unto us, and bless us; may he cause his face to shine upon us," —that the rays of his light may fall upon us.

(3). "That thy way may be known upon earth, thy salvation among all nations.

(4). "Let the people praise thee, O God; let all the people praise thee.

(5). "The nations are glad and sing for joy, that thou judgest the people righteously and governest the nations upon earth."

(6) like (4).

יבולה, at the end of this exquisite Psalm, does not mean "vegetation," but (figuratively) "product." That all nations praise God for his moral government of the world, is the highest "product" of the whole of life on earth (v. 7). "God bless us," and if he blesses us, "all the ends of the earth will fear him" (v. 8),—then the uplifting consciousness of the divine government or moral order of the world will spread to the uttermost limits.

A literal interpretation of v. 7 is not in keeping with what goes before. How could the

poet descend so abruptly from the heights of world-ideas to cornfields and vineyards? And how tame the prospect, that if or because God gives food to the people, all ends of the earth will adore him! To remove any lingering doubt concerning the figurative meaning of יבולה, see אמת מארץ תצמח וכו׳, "Truth springs out of the earth, and righteousness looks down from heaven" (Ps. 85:12). The moral meaning of אמת (taken as truth or as loyalty) is incontestable, therefore תצמח must be used in a figurative sense. And are not צמח and יבול correlative terms?

15.

To § 64. In general it is a risk to follow later commentators blindly. Often they were tainted by the faults of a decadent civilization, and panting under the burden of the times, were unable to rise to the exalted sentiment of older sayings. The examples cited below show the necessity of throwing off all bias in order to comprehend the original idea in its purity and elevation.

1. The noble sentence: "When a member of a brotherhood dies, the whole brotherhood should mourn for him" (*Sabbath* 106[a]), is

stripped of its ethical meaning by Rashi, although R. Chiya bar Abba's quotation from R. Jochanan makes its true import apparent (*ibid.* 105[b]).

2. The thought tested and approved by experience, that "the influence of virtuous men (called, as everywhere, צדיקים) is greater after death than during life," is connected with a miracle tale, and robbed of the exalted lesson it conveys (*Chullin* 7[b]).

3. Again, the application depreciates the beautiful saying: "Great is work (a trade), it honors the workman" (*Nedarim* 49[b]).

4. Reverence for Rashi and the profound gratitude Talmud readers owe him should not stand in the way of giving the truth its due. Quoting Rab, R. Jehudah explained, that in the words of the Psalmist (105:15, cited in the text, in § 70), "Touch not mine anointed," "the anointed are the schoolchildren" (*Sabbath* 119[b]), for they are *called* to bring redemption to future generations. Rashi seems to have considered the flight too bold. He explains the words by the custom of "rubbing oil on the heads of children," and so spoils the ethical admonition they convey and their poetic beauty.

5. The following is even worse: The moral

teachings of Psalm 15 are expounded in the Talmud. The words, "That lendeth not out his money for interest," are supplemented simply by: "not even to the stranger."

The Bible, then, influenced by considerations of political and economical expediency, makes a difference between loans to a native and those to strangers. But the Talmud, rising to the plane of the purely ethical, the universally humane, abolished the difference. Rashi adds to the words, "not even to the stranger," the explanation, "that he may not be tempted to take interest from the Israelite." This shows that after all he objects only to the interest forbidden by the Bible, and cannot maintain the high standard of the progressive Talmud. Comp., however, *Baba Mezia* 71ª. It is noteworthy that R. Amram Gaon demands that scholars at least shall take no interest whatsoever (the technical expression is "not a mote of interest"!) from non-Jews (*Responses* שערי צדק 40ª).

16.

To § 64. Instead of מעלותיו we should probably read עליותיו, the מ being a dittography of the last letter of the preceding word בשמים (I. I. Kahan).

In any event the root עלה is the reason of the derived interpretation.

17.

To § 65. In many cases, it is true, the definite occasion, consequently the restricted meaning, has been asserted only by the historians. Such assertions should be accepted with great caution. For instance, an ingenious, fertile historian like Graetz may invent the "historical" situation from a given saying supposed to be an allusion to it, or, again, may connect an actual occurrence with some saying upon whose origin tradition is silent. Often "probabilities" are the only counters, and even so the result shows discrepancies. Take, for example, the boldness of Graetz in converting the oration in Isaiah 37:22-27 *seq.*, which the Prophet represents as the word of God to Hezekiah, into a letter supposed to have been written by Hezekiah to Sennacherib! It is inexplicable how the address in the second person to Sennacherib can be considered a justification for this opinion, in view of numerous examples of such addresses in the Prophetical writings (comp. only Jer. 51:13; 22:20). Besides, the highly poetic

form of the verses is suited to a prophetic oration, but hardly to a letter dictated to a secretary of state and destined for the king of a foreign country. If it had been a letter of friendship, it might have passed. A state document of such menacing import not even the Orient would be likely to couch in extravagant language.

18.

To § 65. Such brief, incisive, and widely current sayings deserve particular attention in an historical treatise on ethics. They possess qualities in common with the oldest lapidary legislation (comp. לוחות אבן and Deut. 27:3). Theoretic research and speculation alike go back to them for the varied application and the acute analysis of a given ethical doctrine, and the unsophisticated layman is no less quick to discover, in everyday events, the opportunity to apply such general maxims, though he may not be able to apprehend, certainly not to state, the logical chain of ideas which legitimates the practical application.

Among the sentences which have occasionally a restricted, but usually a general meaning, the following (quoted in part II, § 214) may be reckoned: "the commandments

are not given for enjoyment" (מצוות לאו ליהנות נתנו). For Halachic purposes (see *Rosh ha-Shanah* 28[a]; *Erubin* 31[a]) the expression is restricted to its legal sense: the use of an object in the execution of a ceremonial law (a *Shofar*, for instance, in blowing) is not considered enjoyment. There is no doubt, however, that originally and in much earlier times the expression had a wider meaning. In fact, only through the latter does its specialized application become intelligible and rational. Why should the employment of an object in the fulfilment of a command not be considered profitable employment? And if the point in question were only היתר ואיסור הנאה, "a permitting or forbidding of pleasure," why should the impressive phrase לא נתנו have been chosen? But the Rabbinical mind was solicitous about keeping the ethical principle free from any admixture of the idea of utility. The saying is therefore directed against the eudæmonist, still more against the hedonist view of life. The doctrine of Epicurus must have had wide vogue in Palestine, else its author could not have been represented as the antitype of the law-abiding Jew (see *Aboth* 2:19).

The pleasure derived from the fulfilment,

especially from the glad fulfilment, of commands had probably become an Epicurean subterfuge, which the ethical spirit of the Rabbis desired to render unavailing, so that men might fulfil duty for its own sake. Here, as in so many cases, the Kantian conception of duty and its contrariety to inclination suggests itself (comp. part II, § 207, and see Steinthal, *Allgemeine Ethik*, pp. 42-54).

Certain passages of Holy Writ undergo a like change of meaning. For instance, the phrase והייתם נקיים מה' ומישראל has been torn from the context, in which it signifies: "Then shall you be free of your obligations towards God and towards Israel." Since days immemorial, whether used by the people as a proverbial admonition or in learned ethical writings, it has assumed the meaning: "Man must seek, not only to *be* guiltless before his God and his fellow-men, but also to *appear* guiltless."

Scrupulous accuracy in the citation of sources would require the derivation of this sentence, which undoubtedly is a Jewish ethical doctrine, not from the Bible, but from the authors who have used it, and given it currency, in the new meaning. The latter occurs in so early a source as the Talmud (see

Pesachim 13ª; *Yoma* 38ª; Jerusalem *Shekalim* 3:2; and elsewhere).

Another instance is afforded by the words of the Psalmist (quoted in §38), ילכו מחיל אל חיל, "they go from strength to strength" (Ps. 84:8). They are applied with great frequency, but always in the later, broad meaning. For their peculiarly suggestive use with this connotation, in an important Talmud passage, see Appendix No. 40 in part II.

19.

To § 73. *Sifre Debarim*, § 240, is an old source reflecting the popular feeling.

To the Biblical passage: "Because she hath wrought a disgraceful deed in Israel" (Deut. 22:21), the remark is added: "She has defiled, not only herself, but all the maidens in Israel" Luther is singularly mild here. He translates נבלה by *Thorheit* ("folly"). Possibly this word has lost in weight of condemnation what *Schimpf* has gained. The latter has sunk from mere sport to disgrace.

Briefer in expression, yet more comprehensive in meaning than the commentary of *Sifre*, is the parallel passage in the Jerusalem Talmud: "This one defiled all Israel" (*Kethuboth* 4:4).

20.

To § 76. The depth of Maimonides' ethical speculation is brilliantly illustrated in his eighth chapter. Aristotelian though he was, he emphasizes the coherence of all morality, the dependence of details upon the fundamental principle. He goes so far as to ascribe prophetical spirit to him who derives single moral requirements from the essence of the idea of the good, and so puts him upon the highest round of the ladder of ethical perception. It is, of course, not necessary to be conscious of all the middle terms between the loftiest ethical concept and the practical question under consideration (comp. § 61 and Appendix to latter; also my work *Leben der Seele*, vol. III, p. 41). Ethical conviction effects the junction between the highest principle and the problems of real life as they successively present themselves.

The expression ערום ביראה or מרמה במצוות (see *Dcbarim Rabbah*, ch. 4) has at times been used in a narrow sense. The spirit of the Rabbinical world and of Judaism invested it with the meaning in the text, and in this meaning it became a household word.

21.

To § 84. Kayserling, *Das Moralgesetz des Judenthums*, etc., translates R. Jochanan's saying thus: "Ethico-religious knowledge—and at bottom such knowledge is the whole of wisdom—has stability only in him who considers his knowledge naught as compared with the sum of what is worth knowing." In other words, R. Jochanan is represented as urging modesty and humility. By neglecting the expression משים עצמו, Kayserling has substituted a trite sentiment for a profound thought. Besides, if it were a matter of importance, it might be demonstrated that R. Jochanan hardly considered "his knowledge naught as compared with the sum of what is worth knowing."

22.

To § 87. To establish the meaning of the last quoted passage and justify the importance I attach to it, I desire to set up a general rule of interpretation (in compliance, by the way, with R. Jehudah's admonition in the same section of *Sifre*, that general principles should be laid down, and deductions drawn from them):

If an expression is quoted on a definite occasion, this does not prove that it was coined for the occasion. The particular application cannot rob it of its general meaning.

This applies with peculiar force to the case in which the reporter associates a quotation with a thought of his choice, whereby the sentence quoted is made to assume a definite meaning. In these circumstances we are indeed obliged to consider the quotation in its context, but we are no less under obligation to detach it and examine it independently of the connection in which it appears.

It may happen again and again that a reporter, especially if, as in our case, he is the compiler, may merely have been reminded of the quotation. Yet he cites it as proof. Mnemonic suggestions (אסמכתא) were commonly used as proof, though considered of an inferior kind. The compiler may have been aware of the higher meaning, but along with it he knew another meaning, less important than the first, but not absolutely contradictory to it. He adduces the second, because it suits the context.

Our passage in *Sifre* furnishes an admirable illustration. The compiler desires to recommend *repetitio* as the *mater studiorum*. Prob-

ably to effect a connection with the Bible passage, he says: "Investigate (מפשפש) the precepts, examine them, that you may not forget them." We will not stop to argue with him for confounding investigation, the purpose of not forgetting, with repetition, the means of not forgetting. He continues: "Thus said R. Jacob too: 'Let us investigate the laws again and again lest rust gather upon them.'" To rust may, indeed, be a figurative expression for the psychologic phenomenon of forgetting. But a simpler remedy would be repetition, which certainly did not suffer for lack of terms to express it, still less for lack of recommendation. One hundred and one repetitions are distinctly said to be preferable to a hundred repetitions. But פשפש means examining, investigating, and the reading משפשף (according to ז'א in Friedmann in *loc. cit.*), to rub, to polish, would make no difference. Not to rust, in the sense of keeping bright and polished, is an excellent figure of speech for the thought that the law should remain clear and true, and become more and more so. This interpretation is decidedly favored by the explanation of the Bible word coming immediately after R. Jacob's sentence: וכרביבים וכו'. It says: מנקים ומפשפשים

ומפטמים. פטם may mean to make fat or to spice, but it certainly is not a figure of speech for repetition or memory. It indicates improvement or refinement of some sort.

23.

To § 89. The passage cited in the text is in somewhat similar case with that discussed in Appendix No. 22. In *Baba Mezia* 58b, the Rabbis (ת״ר is the expression used) lay down the general dictum כל דבר המסור ללב נאמר בו ויראת מאלהיך (" of every matter left to the heart the Scriptures say, 'but thou shalt fear thy God' "). This they apply to the particular case," men may not deceive one another even by words." Rashi's traditional explanation of this sentence, or rather, of the words, מסור ללב, does not win assent when the other instances, that is, the other passages to which the injunction ויראת מאלהיך is added, are taken into consideration. There are four such, namely, Lev. 19:14 and 32; 25:36 and 43.

When deception is practised by words, it may, indeed, be said that God and the agent alone know the import of the words; hence the recommendation to fear God. But no such statement can be predicated of the com-

mands, to "honor the face of the old"; not to "rule over thy servant with rigor"; not to "take usury and increase of thy poor brother;" and not to "curse the deaf, nor put a stumbling-block before the blind."

But these passages have a common characteristic which justifies the description מסור ללב ("left to the heart"). They all deal with an indefinable something that cannot be measured, or weighed, or determined by rule. The delicate perception, the fine tact, of a sensitive nature (see *Mishnah Baba Mezia* 58[b]) is involved in the manner alike of showing reverence to old age; treating subordinates; guarding the defenseless and unsuspicious against every sort of mortification, and refraining both from the exaction of usury and from taking advantage of a debtor's impoverishment. If the general statement quoted in the text was actually applied with Rashi's understanding of it, it was in this case restricted to a narrower, less valuable meaning, which, however, does not prevent its use, as the other passages prove, in its true, wide, and higher meaning.

In *Sifra* (on the cited passages), the expression is likewise taken in the narrower sense, but it is made plausible only by adducing, under each general ordinance, a particular

case, into which the ignorance of the second party enters as a factor.

To restrict it to particular cases is to divest of force and value the general ethical appeal conveyed by the Torah through the expression ויראת attached to these commands. It is an illustration of the viciousness of the popular casuistic method. If ויראת referred to מסור ללב only in its traditional meaning, that is, divine privity in an act known to the perpetrator alone among men, then R. Simon ben Yochai's inference therefrom (*loc. cit.*), that גדול אונאת דברים מאונאת ממון ("fraud in words is greater than fraud in money transactions"), were baseless; according to our interpretation it is completely justified.

One more reflection: The things designated as מסור ללב are of paramount importance, because though at first only the best of mankind discern and act up to them, later the noble example of the few, being imitated, makes them common property, and the standard of morality in general is raised. (Comp. part II, Appendix No. 41, end, the quotation from Ihering, noting particularly the opposition between heart and hand.)

24.

To §114. Kant attached such great importance to the psychologic aspect even in defining the ethical principle that to this day his method is invested with the appearance of necessity. In order to disclaim eudæmonism and empiricism, Kant had to repudiate also the ideas of the English school of moral philosophers relative to a (sixth) "moral sense," "sympathy," etc. Like the objective *motive*, so he preserved the subjective *organ*, of morality free from all that cannot be accounted pure, ethical volition.

25.

To §117. Rabbinical literature contains several passages describing a scale of ethical views and conduct, each stage being considered the cause of its successor. The Mishnic passage (*Sotah*, ch. 9, at the end) by R. Pinchas ben Yair is best known. The various readings in the two Talmuds and the Midrashim, enumerated by Bacher (*Agada der Tannaiten*, vol. II, p. 496, note 5), prove that from the first the consecutiveness of the series was not understood. I am convinced that the true meaning of most of these notions

and of their causal, evolutionary connection, as the author thought it out, often with philosophic grasp, have escaped us, for we have not the slightest intimation of the underlying psychologic view. In fact, it will hardly do to assume that the author under discussion, known from other sources to be an extremist and inclined to mysticism, possessed a clear, settled, systematic understanding of psychologic relations.

Bacher's attempt to interpret the series is attractive. S. R. Hirsch (*Choreb*, § 112), who accepts the peculiar reading at the beginning used by רי"ף (Alfasi), brings out a number of ingenious points, but many details as well as his theory as a whole rest upon an arbitrary basis. For example, the רוח הקודש stage he describes as "enthusiasm because you understand life and its purpose from so high a plane, because you grasp every detail, and illumined by God recognize the good and the salutary." (See § 64, p. 88.)

In any event, such passages deal with stages in the development only of a single, individual mind, that is, with subjective progress. Is similar progress asserted of the public spirit, of the human mind in the aggregate, objectively considered? This is the question at

the heart of all historical science. To work out the answer in terms of Judaism would be a most grateful task, and at the same time one most difficult of successful performance.

It were an easier task and, inasmuch as its performance leads to the other, of more immediate importance, to deduce from the sources whether and how the Rabbinical view assumes such development to have taken place in the general attitude.

The popular rule which considers the earlier authorities uniformly superior to the later, would seem to indicate a negative answer. But Talmudic expressions concerning the attitude of the Prophets to the Torah and of the Rabbis to both; the hyperbolic legends on the relation of Akiba ben Joseph to Moses; and especially the paramount practice which makes a Rabbinical ordinance supersede a Biblical law, give abundant occasion to search for more exact notions entertained by the Rabbinic mind upon the progress of Judaism objectively considered.

26.

To § 128. A classical controversy attaches to the expression quoted. On the one side is

the oft-repeated view, that any act tending towards a good purpose is valuable even if its motive is not pure. Personal experience of the good must necessarily have the pedagogic result of making the good habitual and the ethical result of leading to recognition and love of the good as such. This view obtained wide currency in the familiar form: מתוך שלא לשמה בא לשמה.

On the other side is the sterner view that the good should be practised for its own sake only. Raba sums it up in *Berakhoth* 17[a]: "As for him who does the good for reasons other than the good itself, it were better he had never been born."

Doubtless we have a real difference of opinion here. The one permits, even demands, that though pure motives are lacking, good deeds shall be done, in the expectation that others will follow with consciously good motives. The other considers a good deed done from an impure motive (such as, ostentatious charity, study for fame, etc.) a depreciation of the good. As obviously there is no difference of opinion regarding the ultimate aim of all morality, namely, to do the good for its own sake, the above disharmony can easily be resolved. Raba could not have failed to

observe that the practice of noble deeds, even when not prompted by the purest of motives, often has the favorable result of ennobling the doer through personal spiritual contact with the good, and leading him up to the heights of true, full, that is, conscious morality. But the general form of his statement, whose universality one is tempted to make complete by the addition of "always" ("as for him who *always* does the good," etc.), expresses the idea that if a man displays incapacity or disinclination to purify himself by spiritual experiences and to be good consciously, then were it better he had never been born. Despite occasional good deeds, such an one cannot fulfil the purpose for which he was brought into existence, namely, to love and do the good for its own sake. The essential harmony of the two views as well as the exalted character of Rabbinical ethics are strikingly demonstrated by the circumstance that neither party deduces the value of good deeds performed in the absence of pure motives from their practical effect, which may follow regardless of motives, but from the pedagogic effect, that the performance of good deeds must, with psychologic necessity, bring about perfectly moral deeds and motives.

There is no room for any sort of argument from practical utility, which would so readily suggest itself to modern ethics. The question is purely one of personal, ethical value.

I consider it my scientific duty not to leave the subject of this controversy without repudiating the casuistic method of harmonizing the difference between the two views, employed by our great interpreters, Rashi as well as *Tosafoth*. Casuistry does not serve to disengage the truth from the contradictory sayings of the Talmudic heroes. It is not for me to pass judgment concerning the application of the casuistic method to the Halachah. Certain it is, however, that in the domain of ethics, which is chiefly Agadistic, it produces confusion worse confounded. Thus, it is held that Raba's view does not contradict R. Jehudah's (*Pesachim* 50[b]), that "man at all times should fulfil the law and its commands, even if it be not done for their own sake. Thereby he will learn to execute them from the purest of motives." For, it is further held, Raba's dictum applies only to the special, favorite case of a man's devoting himself to study for some extraneous purpose—in the supposed instance not an innocent by-end, but unholy ambition to outstrip fellow-students.

This is a complete emasculation of Raba's idea. In its universality it stands for an elevated ethical principle; in its casuistic restriction to a single case it is a truism unworthy of repetition. If all the Talmudic authorities in the world maintained that Raba had had in mind only the absurd special case, I should not believe it. And if the impossible came to pass, and Raba himself confirmed their opinion, despite all deference due him, I should have to say: Great master, then your language was not worthy of a sage and teacher of morality; for the fine-spun condition said to be the main consideration, you did not refer to with a single word, but the general idea, which you are supposed not to have entertained, is expressed without equivocation. Of what avail were clearly worded sentences, if their meaning were not to be gathered from the words used, but, in view of another author's dictum, had to be restricted to some quibble? It is, to say the least, thoroughly arbitrary to suppose that Raba's general saying refers only to "study," as the commentators assume.

(By the way, *Tosafoth* must have had various readings for the proper names; in some editions R. Lakish and R. Jehudah are sub-

stituted for each other in *Berakhoth* 17ª, and Rab and Raba, in *Pesachim* 50ᵇ.)

Concerning the position of the *Chinnukh* in this controversy, see part II, Appendix No. 37.

27.

To §144. The reader will permit me to refer also to Nachmanides' view (see ch. 37), which asserts that the difference between Akiba and Ben Azai is that the latter considers love of children (תולדות), the former, love of self, to be the greater love. It is characteristic, then, that each holds the love which he considers the greater to be the love enjoined by the Scriptures.

28.

To §153. R. Eleazar's opinion, that the Temple service was an element in religious life calculated to separate from instead of uniting with God, merits attention. He said: "On the day when the Temple was destroyed, an iron wall between God and the congregation of Israel fell" (*Berakhoth* 32ᵇ). That R. Eleazar had in mind particularly the sacrificial service is evident from his expression quoted in the same passage: "Prayer exceeds all sacrifices."

29.

To §168. The "Principles" follow in full:

1. Judaism teaches the unity of the human race. We all have one Father, one God has created us.

2. Judaism commands: "Love thy neighbor as thyself," and declares this command of all-embracing love to be the fundamental principle of the Jewish religion.

It therefore forbids every sort of animosity, envy, malevolence, or unkindness towards any one of whatsoever race, nationality, or religion. It demands justice and righteousness, and forbids injustice, improbity, fraud, taking unfair advantage of the need, the heedlessness, and the inexperience of a fellow-man, as well as usury and the usurious employment of the powers of a fellow-man.

3. Judaism demands consideration for the life, health, powers, and possessions of one's neighbor.

It therefore forbids injuring a fellow-man by force, or cunning, or in any other iniquitous manner depriving him of his property, or leaving him helplessly exposed to unlawful attacks.

4. Judaism commands holding a fellow-man's honor as sacred as one's own.

It therefore forbids degrading him by evil reports, vexing him with ridicule, or mortifying him.

5. Judaism commands respect for the religious conviction of others.

It therefore forbids aspersion or disrespectful treatment of the religious customs and symbols of other religions.

6. Judaism commands the practice of charity towards all, clothing the naked, feeding the hungry, nursing the sick, comforting those that mourn.

It therefore forbids limiting our care to ourselves and our families, and withholding sympathy when our neighbors suffer.

7. Judaism commands respect for labor; each in his place shall take part, by means of physical or mental labor, in the work of the community, and strive for the blessings of life by busy, creative activity.

It therefore demands the cultivation, development, and active employment of all our powers and capabilities.

On the other hand, it forbids inactive enjoyment of life and idleness confident of support by others.

8. Judaism commands absolute truthfulness: our yea shall be yea, our nay, nay.

It therefore forbids distortion of truth, deceit, hypocrisy, double dealing, and dissimulation.

9. Judaism commands walking humbly with God and in modesty among men.

It therefore forbids self-conceit, arrogance, pride, presumptuousness, boasting, and disparagement of the merits of others.

10. Judaism demands peaceableness, placability, mildness, benevolence. It therefore commands the return of good for evil, to suffer rather than inflict injury.

It therefore forbids taking revenge, nursing hatred, bearing a grudge, abandoning even an adversary in his helplessness.

11. Judaism commands chastity and sanctity of marriage.

It therefore forbids dissoluteness, license, and relaxation of family ties.

12. Judaism commands the conscientious observance of the laws of the state, respect for and obedience to the government.

It therefore forbids rebellion against governmental ordinances and evasion of the law.

13. Judaism commands the promotion of the welfare of one's fellow-men, the service of individuals and communities in accordance with one's ability.

It therefore forbids slothful indifference to the common weal and selfish exclusion from the societies instituted for charitable purposes and for the betterment of mankind.

14. Judaism commands that its adherents shall love the state, and willingly sacrifice property and life for its honor, welfare, and liberty.

15. Judaism commands sanctification of the name of God through acts, and it bids us exert ourselves to hasten the time in which men shall be united in the love of God and the love of one another.

In obedience to the fine injunction in *Aboth* (6:6, end), I add the names of the members of the commission charged with the compilation of the "Principles." They are as follows: Dr. David Cassel; Dr. Frankl, Rabbi; Herr Herrmann, Director; Herr Herz, Privy Councillor; Dr. Holzman; Dr. Kirschstein, Director; Dr. Kristeller, Privy Councillor; Professor M. Lazarus, Ph. D.; Herr Ludwig Loewe, Deputy to the Reichsrath; Herr Makower, Councillor of Justice; Dr. Maybaum, Rabbi; Herr Meyer, Councillor of Justice; Professor H. Steinthal, Ph. D.; Dr.

Strassmann, President of the Common Council; and Dr. Ungerleider, Rabbi. The first draft, somewhat more theologic in coloring than the above, was made by Dr. Kirschstein; the second, by Herr Makower, was characterized by the severity and conciseness of a legal document. On the basis of the debate on these two, I compiled the above, which was accepted by the commission.

30.

To § 168. Décisions Doctrinales du Grand Sanhédrin qui s'est tenu à Paris au mois d'Adar premier, l'an de la Création 5567 (Fevrier 1807)

sous les Auspices de
Napoléon-le-Grand

avec la traduction littérale du texte Français en Hébreu:[1]

[1] Les Décisions doctrinales ne faisaient que confirmer et rendre doctrinalement obligatoires pour tous les Israélites de l'Empire Français les résolutions arrêtées et votées antérieurement par l'Assemblée des Notables convoyée également par ordre de l'Empereur en 1806.

ART. VI.

RAPPORTS CIVILS ET POLITIQUES

Le Grand Sanhédrin, pénétré de l'utilité qui doit résulter pour les Israélites d'une déclaration authentique qui fixe et détermine leurs obligations, comme membres de l'Etat auquel ils appartiennent, et voulant que nul n'ignore quels sont à cet égard les principes que les Docteurs de la Loi et les Notables d'Israël professent et prescrivent à leurs coreligionnaires, dans les pays où ils sont point exclus de tous les avantages de la société civile, spécialement en France et dans le royaume d'Italie,

Déclare qu'il est de devoir religieux pour tout Israélite né et élevé dans un Etat, ou qui en devient citoyen par résidence, ou autrement, conformément aux lois qui en déterminent les conditions, de regarder le dit Etat comme sa patrie;

Que ces devoirs, qui dérivent de la nature des choses, qui sont conformes à la destination des hommes en société, s'accordent, par cela même, avec la parole de Dieu;

Daniel dit à Darius, "qu'il n'a été sauvé de la fureur des lions, que pour avoir été

également fidèle à son Dieu et à son roi" (chap. VI, v. 23).

Jérémie recommande à tous les Hébreux de regarder Babylon comme leur patrie: "Concourez de tout votre pouvoir, dit-il, à son bonheur" (Jer. chap. V). On lit dans le même livre le serment qui fit prêter Guedalya aux Israélites: "Ne craignez point, leur dit-il, de servir les Chaldéens, demeurez dans le pays; soyez fidèles au roi de Babylon, et vous vivrez heureusement" (chap. XL, v. 9).

"Crains Dieu et ton Souverain," a dit Salomon (Prov. chap. XXIV, v. 21);—

Qu'ainsi tout prescrit à l'Israélite d'avoir pour son prince et ses lois le respect, l'attachement et la fidélité dont tous les sujets lui doivent le tribut; que tout l'oblige à ne point isoler son intérêt de l'intérêt public; ni sa destinée, non plus que celle de sa famille, de la destinée de la grande famille de l'Etat; qu'il doit s'affliger de ses revers, s'applaudir de ses triomphes, et concourir par toutes ses facultés au bonheur de ses concitoyens;

En conséquence, le Grand Sanhédrin statue que tout Israélite né et élevé en France et dans le royaume d'Italie, et traité par les lois des deux Etats comme citoyen, est obligé religieusement de les regarder comme sa

Patrie, de les servir, de les défendre, et d'obéir aux lois et de se conformer, dans toutes ses transactions, aux dispositions du Code civil;

Déclare en outre, le Grand Sanhédrin, que tout Israélite appelé au service militaire est dispensé par la loi, pendant la durée de ce service, de toutes les observances religieuses qui ne peuvent se concilier avec lui.

PUBLICATIONS

OF THE

Jewish Publication Society of America

HISTORY

HISTORY OF THE JEWS.—By Professor H. Graetz. $3.00 per volume.

Vol. I. From the Earliest Period to the Death of Simon the Maccabee (135 B.C.E.). 553 pp.

Vol. II. From the Reign of Hyrcanus to the Completion of the Babylonian Talmud (500 C.E.). 656 pp.

Vol. III. From the Completion of the Babylonian Talmud to the Banishment of the Jews from England (1290 C.E.). 675 pp.

Vol. IV. From the Rise of the Kabbala (1270 C.E.) to the Permanent Settlement of the Marranos in Holland (1648 C.E.). 743 pp.

Vol. V. From the Chmielnicki Persecution in Poland (1648 C.E.) to the Present Time. 766 pp.

Vol. VI. Containing a Memoir of the Author by Dr. Philipp Bloch, an Index to the Five Volumes, Maps, and a Chronological Table of Jewish History. 644 pp.

"Professor Graetz is the historiographer *par excellence* of the Jews. His work, at present the authority upon the subject of Jewish history, bids fair to hold its pre eminent position for some time, perhaps decades."—*Preface to Index Volume.*

OUTLINES OF JEWISH HISTORY. *From the Return from Babylon to the Present Time.*—By Lady Magnus. Revised by M. Friedländer. With three Maps, a Frontispiece, and Chronological Tables. 388 pp. Library Edition, $1.00; School Edition, 75 cents.

"The entire work is one of great interest; it is written with moderation, and yet with a fine enthusiasm for the great race which is set before the reader's mind."—*Atlantic Monthly.*

CHAPTERS ON JEWISH LITERATURE.—By Israel Abrahams. 275 pp. $1.25.

"The author has performed his task with admirable taste and judgment. He has written a primer of Jewish literature, it is true, an elementary manual, so to speak, but it is agreeably free from the faults of abruptness and fragmentariness so common to that class of booklets. . . . . It is not a mere bibliography, nor is it a collection of names and works; but a sketch in outline, warmed by the author's sympathetic treatment and enriched by his suggestive genius."—*Jewish Messenger.*

A SKETCH OF JEWISH HISTORY.—By Gustav Karpeles. 109 pp. Boards. 30 cents. (Special Series No. 5.)

"Dr. Karpeles's standpoint is a sane one, and his intimate acquaintance with the details of his subject has in no degree confused his sketch of the general development."—*Critic.*

JEWISH LIFE IN THE MIDDLE AGES.—By Israel Abrahams. 452 pp. $1.75.

"Mr. Abrahams has really done a very good and useful piece of work. He has taken up one side of mediæval life, and given us the means of getting a thorough understanding of it."—*Bookman.*

OLD EUROPEAN JEWRIES.—By David Philipson. 281 pp. $1.25.

"Philipson's book is a very valuable historical and ethnographical contribution."—Gustav Karpeles, *Allgemeine Zeitung des Judenthums.*

THE PERSECUTION OF THE JEWS IN RUSSIA.—87 pp. Paper. 25 cents. (Special Series No. 1.)

"The pamphlet is full of facts, and will inform people very fully in regard to the basis of the complaints made by the Jews against Russia."—*Public Opinion.*

ESSAYS AND MISCELLANEOUS WORKS

JEWISH SERVICES IN SYNAGOGUE AND HOME. —By Lewis N. Dembitz. 487 pp. $1.75.

"A work which will keep up the knowledge and remembrance of the devotional life of the Jews as it was in the past, and of the liturgical literature as it evolved throughout ages and in various countries."—*Jewish Spectator.*

STUDIES IN JUDAISM.—By S. Schechter. 359 pp. $1.75.

"Mr. Schechter is one of the few men whom we possess to-day who seem to understand that to popularize Judaism is not unworthy of the greatest scholar."—Emil G. Hirsch, *Reform Advocate.*

JEWISH LITERATURE AND OTHER ESSAYS.—By Gustav Karpeles. 404 pp. $1.25.

"The essays have the charm of an attractive style, combined with a subject of great and varied interest."—*Independent.*

SABBATH HOURS. *Thoughts.*—By Liebman Adler. 338 pp. $1.25.

"Rabbi Adler was a man of strong and fertile mind, and his sermons are eminently readable."—*Sunday-School Times.*

SOME JEWISH WOMEN.—By Henry Zirndorf. 270 pp. $1.25.

"The side-lights which this book casts upon rabbinic life and thought will attract readers."—*Critic.*

THE TALMUD.—By Arsène Darmesteter. Translated from the French by Henrietta Szold. Boards. 30 cents. (Special Series No. 4.)

"Few persons know what 'The Talmud' signifies. The booklet, with this title, ... is *multum in parvo* on this theme. That stup ndous library of rabbinic lore is here described with a fulness and a clearness not surpassed in many larger and more pretentious works."—*Dial.*

THE TALMUD.—Reprinted from the "Literary Remains" of EMANUEL DEUTSCH. Boards. 30 cents. (Special Series No. 3.)

"When first published . . . made its author, then one of the under-librarians at the British Museum, famous, and still remains an admirable short study."—*Atlantic Monthly.*

READINGS AND RECITATIONS. *For Jewish Homes and Schools.*—Compiled by ISABEL E. COHEN. 294 pp. $1.25.

"This book should be found in every Jewish home; it should find its way into every Jewish Sabbath-school; for none will lay it aside without feeling that a religion which could intone such songs and inspire such bards has every claim upon the intelligent reverence of those in its household born."—EMIL G. HIRSCH, *Reform Advocate.*

PROCEEDINGS OF THE FIRST CONVENTION OF THE NATIONAL COUNCIL OF JEWISH WOMEN (New York, 1896). 426 pp. $1.00.

"Among the many speeches recorded, we have found several of much more than ordinary power."—*Public Opinion.*

PAPERS OF THE JEWISH WOMEN'S CONGRESS (Chicago, 1893). 270 pp. $1.00.

"This collection interprets the motive force which actuates the daughters of Israel under all life's circumstances, and it is certainly to the credit of the Jewish women of America that they should have been able to so effectually voice the sentiments and thoughts that pervade their sex."—*Jewish World*, London.

FICTION.

UNDER THE EAGLE'S WING.—By SARA MILLER. 229 pp. 75 cents.

"It is a story of the days of Maimonides. . . . The author is to be commended for her book, that abounds in stirring incidents and is written with considerable ability."—*Jewish Messenger.*

THEY THAT WALK IN DARKNESS. *Ghetto Tragedies.*—By I. Zangwill. 486 pp. $1.50. *Sold to Members only.*

"While the tragic issue of each of these remarkable stories is inevitable, they are illumined by flashes of fancy, satire, irony, and humor. No reader who is not blinded by prejudice will rise from the perusal of this engrossing volume without an enhanced sense of compassion for, and admiration of, the singular race of whose traits and temperament Mr. Zangwill is perhaps the most gifted interpreter."—*Spectator*, London.

LOST PRINCE ALMON.—By Louis Pendleton. Illustrated. 218 pp. 75 cents.

"It is a charmingly written story of the little Prince Jehoash, son of Ahaziah, whom the Prince Jehoiada had rescued from the clutches of Athaliah. . . . Our Sunday-school literature is so extremely poor that we hail this volume with particular delight, and we predict that it will soon be one of the most popular gift books for Jewish children."—*Jewish Voice.*

DREAMERS OF THE GHETTO.—By I. Zangwill. 537 pp. $1.50. *Sold to Members only.*

"With marvelous industry, and with no small amount of erudition, he has packed together into the scenes dealing with Uriel Acosta, Sabbatai Zevi, Spinoza, the Baal Shem, Maimon, Heine, Lassalle and Beaconsfield, just those incidents and sayings of their careers which bring out most clearly their Jewish aspects."—Joseph Jacobs, *Bookman.*

IN THE PALE. *Stories and Legends of the Russian Jews.*—By Henry Iliowizi. 367 pp. $1.25.

"Henry Iliowizi . . . is a master of both humor and pathos, as is shown in his book of stories and legends entitled 'In the Pale.'"—*Sunday-School Times.*

CHILDREN OF THE GHETTO.—By I. Zangwill. 2 vols. 451 pp., 325 pp. $2.50.

"Nowhere else have been given us more realistic pictures of the shabbiness, the unwholesomeness, the close-packed human misery, the squalor, the vulgarity, the sharp struggle in the mean competition of life, in the East End of London. . . . [But] there is a world of poetry, of dreams, of

imagination, of high calling, of intellectual subtlety even, in which sordid London, not Jewish, has no part nor lot."—CHARLES DUDLEY WARNER, *Harper's Magazine.*

RABBI AND PRIEST.—By MILTON GOLDSMITH. 314 pp. $1.00.

"The author has attempted to depict faithfully the customs and practices of the Russian people and government in connection with the Jewish population of that country. The book is a strong and well-written story."—*Public Opinion.*

THINK AND THANK.—By S. W. COOPER. Illustrated. 120 pp. 50 cents.

"Sir Moses Montefiore is the hero of this story. . . . 'Think and Thank' will please boys, and it will be found popular in Sunday-school libraries."—*New York Herald.*

VOEGELE'S MARRIAGE AND OTHER TALES.—By LOUIS SCHNABEL. 83 pp. Paper. 25 cents. (Special Series No. 2.)

"'The False Turn' is a charming little sketch, and the humor of it very delicate and amusing. 'Voegele's Marriage' I find also very artistic and interesting."—EMMA LAZARUS.

AMERICAN JEWISH YEAR BOOK for 5660 (1899–1900).—Edited by CYRUS ADLER. 290 pp. 75 cents.

"This is the first general year book of the Jewish institutions of America. It contains a directory of national organizations, a directory of local organizations arranged alphabetically by States and towns, a list of Jewish periodicals published in this country, and statistics of Jewish population."—*Review of Reviews* (American).

Publications Sent from the Society's Office Postpaid.

FOR SALE BY THE TRADE.

Special Terms to Schools and Libraries.

THE JEWISH PUBLICATION SOCIETY OF AMERICA,

1015 ARCH STREET,

P. O. Box 1164. *PHILADELPHIA, PA.*

The Society is the Sole Agent for the Publications of the American Jewish Historical Society.